

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 16-0111.01 Brita Darling x2241

**HOUSE BILL 16-1178**

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**HOUSE SPONSORSHIP**

**Salazar**, Arndt, Becker K., Buckner, Court, Danielson, Duran, Esgar, Fields, Foote, Garnett, Ginal, Hamner, Hullinghorst, Kagan, Lebsock, Lee, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Ryden, Singer, Tyler, Vigil, Williams, Winter, Young

**SENATE SPONSORSHIP**

**Ulibarri**,

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**House Committees**

Education

Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING IN-STATE TUITION FOR AMERICAN INDIANS FROM TRIBES**  
102      **WITH HISTORICAL TIES TO COLORADO.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires a state-supported institution of higher education to classify as an in-state student for tuition purposes a student who is a member of a federally recognized American Indian tribe with historical ties to Colorado, as designated by the Colorado commission of Indian affairs in consultation with history Colorado. A student classified as an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

in-state student pursuant to this tuition classification may be counted as a resident for any purpose pursuant to title 23, C.R.S., and is eligible for state financial aid and the college opportunity fund stipend. The bill exempts Fort Lewis college from its provisions.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-7-112 as  
3 follows:

4 **23-7-112. Tuition classification for members of American**  
5 **Indian tribes with historical ties to Colorado - legislative declaration.**

6 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (a) OFTEN DUE TO CIRCUMSTANCES BEYOND THEIR CONTROL,  
8 MANY AMERICAN INDIAN TRIBES AND MEMBERS OF AMERICAN INDIAN  
9 TRIBES HAVE BEEN FORCED TO RELOCATE ACROSS STATE LINES, FAR FROM  
10 THEIR HISTORICAL HOME PLACES. AS A CONSEQUENCE, AMERICAN INDIAN  
11 HIGH SCHOOL STUDENTS OFTEN ONLY RECEIVE IN-STATE TUITION  
12 ELIGIBILITY IN THEIR STATE OF CURRENT RESIDENCE, RATHER THAN THE  
13 STATE THAT THEIR TRIBES TRADITIONALLY CALLED THEIR ANCESTRAL  
14 HOME.

15 (b) IN 2011, LESS THAN FORTY-TWO PERCENT OF AMERICAN  
16 INDIAN HIGH SCHOOL STUDENTS CHOSE TO ATTEND COLLEGE, WELL BELOW  
17 THE NATIONAL AVERAGE OF FIFTY-SEVEN PERCENT OF ALL STUDENTS;

18 (c) AMERICAN INDIAN HIGH SCHOOL STUDENTS ARE ALSO MUCH  
19 LESS LIKELY THAN THEIR PEERS TO ATTEND AN OUT-OF-STATE COLLEGE;

20 (d) THE FAMILIES OF AMERICAN INDIAN HIGH SCHOOL STUDENTS  
21 HAVE POVERTY RATES MORE THAN TEN PERCENTAGE POINTS HIGHER THAN  
22 THE NATIONAL AVERAGE, WITH THIRTY-SIX PERCENT OF AMERICAN  
23 INDIAN HOUSEHOLDS LIVING BELOW THE FEDERAL POVERTY LEVEL; AND

1           (e) THEREFORE, IT IS IN THE BEST INTERESTS OF THE STATE AND OF  
2           AFFECTED AMERICAN INDIAN STUDENTS FOR COLORADO TO EXTEND  
3           IN-STATE TUITION CLASSIFICATION TO ANY AMERICAN INDIAN STUDENT  
4           WHO IS A REGISTERED MEMBER OF A FEDERALLY RECOGNIZED AMERICAN  
5           INDIAN TRIBE WITH HISTORICAL TIES TO COLORADO.

6           (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO  
7           THE CONTRARY, BEGINNING WITH THE 2016-17 ACADEMIC YEAR, A  
8           STUDENT WHO WOULD NOT OTHERWISE BE CLASSIFIED AS AN IN-STATE  
9           STUDENT PURSUANT TO THIS ARTICLE SHALL BE CLASSIFIED AS AN  
10          IN-STATE STUDENT AT THE INSTITUTIONS OF THIS STATE IF THE STUDENT  
11          IS A REGISTERED MEMBER OF A FEDERALLY RECOGNIZED AMERICAN  
12          INDIAN TRIBE WITH HISTORICAL TIES TO COLORADO, AS DESIGNATED BY  
13          THE COLORADO COMMISSION OF INDIAN AFFAIRS, ESTABLISHED PURSUANT  
14          TO ARTICLE 44 OF TITLE 24, C.R.S., IN CONSULTATION AND PARTNERSHIP  
15          WITH THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION AT  
16          HISTORY COLORADO, OR ITS SUCCESSOR OFFICE.

17          (3) A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT  
18          PURSUANT TO THIS SECTION:

19               (a) MAY BE COUNTED AS A RESIDENT STUDENT FOR ANY PURPOSE  
20               PURSUANT TO THIS TITLE; AND

21               (b) IS ELIGIBLE FOR STATE-FUNDED FINANCIAL AID, INCLUDING A  
22               COLLEGE OPPORTUNITY FUND STIPEND PURSUANT TO THE PROVISIONS OF  
23               PART 2 OF ARTICLE 18 OF THIS TITLE, AND MAY BE ELIGIBLE FOR  
24               INSTITUTIONAL OR PRIVATE FINANCIAL AID.

25          (4) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO FORT  
26          LEWIS COLLEGE DUE TO ITS HISTORIC COMMITMENT TO AMERICAN INDIAN  
27          EDUCATION. FURTHERMORE, NOTHING IN THIS SECTION MODIFIES OR

1     AFFECTS THE AMERICAN INDIAN PUPIL TUITION WAIVER PURSUANT TO  
2     SECTION 23-52-105 (1) (b) (I).

3             **SECTION 2. Safety clause.** The general assembly hereby finds,  
4     determines, and declares that this act is necessary for the immediate  
5     preservation of the public peace, health, and safety.