

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0033.02 Jason Gelender x4330

HOUSE BILL 22-1054

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees
State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING TO IMPROVE SOCIOECONOMIC CONDITIONS FOR**

102 **INDIANS.**

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://leg.colorado.gov>.)

To provide funding to improve economic conditions for Native Americans, if the federal government provides funding for the existing statutorily mandated and state-funded Native American tuition waiver program that allows a Native American who is either an enrolled member of an American Indian Tribal Nation or an Alaska Native Village recognized by the federal government or is a child or grandchild of such

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

an enrolled member to attend Fort Lewis college on a tuition-free basis, the bill:

- Requires the statutorily mandated annual general fund appropriation to Fort Lewis college to pay the full cost of tuition for such students to be reduced by an amount equal to the amount of the federal funding;
- Requires an amount of general fund money equal to the amount of the reduction in the annual general fund appropriation to be appropriated to the commission of Indian affairs (commission);
- Requires the commission to use the money to contract with a Colorado-based nonprofit organization that has a primary mission of improving economic conditions for Indians for coordination, oversight, and provision of programs and grants that support that mission; and
- Requires the nonprofit organization to report to the commission regarding its implementation of the contract at least once per year and to detail in its reports how it has expended the money provided to it by the commission.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-52-105, **amend**
3 (1)(b)(I) as follows:

4 **23-52-105. Tuition fees - Native Americans.** (1) (b) (I) On and
5 after September 1, 2002, the board of trustees shall fix tuition in
6 accordance with the level of cash fund appropriations set by the general
7 assembly for Fort Lewis college pursuant to section 23-1-104 (1)(b)(I),
8 subject to the restriction that all qualified Native American students must
9 at all times be admitted to such college free of charge for tuition and on
10 terms of equality with other students. The general assembly shall
11 appropriate from the state general fund one hundred percent of the money
12 required for tuition for such qualified Native American students; EXCEPT
13 THAT, IF THE FEDERAL GOVERNMENT PROVIDES FUNDING FROM ANY
14 SOURCE TO PAY FOR ALL OR A PORTION OF SUCH TUITION, THE GENERAL

1 ASSEMBLY SHALL REDUCE THE APPROPRIATION FROM THE STATE GENERAL
2 FUND BY AN AMOUNT EQUAL TO THE AMOUNT OF FEDERAL FUNDING
3 PROVIDED.

4 **SECTION 2.** In Colorado Revised Statutes, **add 24-44-109** as
5 follows:

6 **24-44-109. Improvement of socioeconomic conditions of
7 Indians - fund - contract required - coordination and oversight of
8 programs and grants.** (1) FOR ANY STATE FISCAL YEAR FOR WHICH THE
9 FEDERAL GOVERNMENT PROVIDES FUNDING TO PAY TUITION FOR
10 QUALIFIED NATIVE AMERICAN STUDENTS ATTENDING FORT LEWIS
11 COLLEGE AND THE AMOUNT OF THE STATUTORILY REQUIRED GENERAL
12 FUND APPROPRIATION TO FORT LEWIS COLLEGE FOR THE PURPOSE OF
13 PAYING SUCH TUITION IS REDUCED PURSUANT TO SECTION 23-52-105
14 (1)(b)(I), THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE
15 GENERAL FUND TO THE COMMISSION AN AMOUNT EQUAL TO THE AMOUNT
16 OF THE REDUCTION IN THE GENERAL FUND APPROPRIATION TO FORT LEWIS
17 COLLEGE.

18 (2) THE COMMISSION SHALL USE ANY MONEY APPROPRIATED TO IT
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION TO CONTRACT WITH A
20 NONPROFIT ORGANIZATION FOR COORDINATION, OVERSIGHT, AND
21 PROVISION OF PROGRAMS AND GRANTS THAT IMPROVE SOCIOECONOMIC
22 CONDITIONS FOR INDIANS IN COLORADO AND TO PAY ANY REASONABLE
23 AND NECESSARY COSTS THAT THE COMMISSION INCURS IN PROCURING AND
24 ADMINISTERING THE CONTRACT WITH THE NONPROFIT ORGANIZATION. THE
25 NONPROFIT ORGANIZATION MUST:

26 (a) BE HEADQUARTERED IN COLORADO;
27 (b) HAVE A PRIMARY MISSION OF IMPROVING SOCIOECONOMIC

1 CONDITIONS FOR INDIANS;

2 (c) HAVE A DEMONSTRATED HISTORY OF IMPROVING
3 SOCIOECONOMIC CONDITIONS FOR INDIANS BY MAKING DIRECT FINANCIAL
4 GRANTS TO ENTITIES THAT SUPPORT INDIANS AND PROVIDING TECHNICAL,
5 EDUCATIONAL, AND PROGRAMMATIC ASSISTANCE AND TRAINING TO
6 INDIAN COMMUNITIES AND INDIVIDUALS; AND

7 (d) BE RATED IN THE HIGHEST RATING CATEGORY BY A
8 NATIONALLY RECOGNIZED ORGANIZATION THAT EVALUATES CHARITIES
9 BASED ON, AT A MINIMUM, CRITERIA OF FINANCIAL HEALTH AND
10 TRANSPARENCY AND ACCOUNTABILITY.

11 (3) THE COMMISSION AND THE NONPROFIT ORGANIZATION WITH
12 WHICH THE COMMISSION CONTRACTS AS REQUIRED BY SUBSECTION (2) OF
13 THIS SECTION SHALL JOINTLY CONVENE AN ADVISORY GROUP, CONSISTING
14 OF MEMBERS OF INDIAN COMMUNITIES AND OTHER INDIVIDUALS WHO
15 HAVE PROFESSIONAL OR PERSONAL EXPERIENCE IN DIAGNOSING OR
16 HELPING TO ALLEVIATE SOCIOECONOMIC CHALLENGES FACED BY INDIANS,
17 TO ADVISE THE COMMISSION AND THE NONPROFIT ORGANIZATION IN
18 ESTABLISHING INITIAL GUIDELINES FOR PROGRAMS AND GRANTS TO BE
19 COORDINATED, OVERSEEN, OR PROVIDED BY THE NONPROFIT
20 ORGANIZATION AND TO PROVIDE ONGOING ADVICE TO THE COMMISSION
21 AND THE NONPROFIT ORGANIZATION CONCERNING THE PROVISION OF SUCH
22 PROGRAMS AND GRANTS.

23 (4) THE NONPROFIT ORGANIZATION WITH WHICH THE COMMISSION
24 CONTRACTS AS REQUIRED BY SUBSECTION (2) OF THIS SECTION SHALL
25 REPORT TO THE COMMISSION REGARDING ITS IMPLEMENTATION OF THE
26 CONTRACT AT LEAST ONCE PER YEAR AND MORE OFTEN IF DIRECTED TO DO
27 SO BY THE COMMISSION. AT A MINIMUM, THE NONPROFIT ORGANIZATION

1 SHALL DETAIL IN ITS REPORTS HOW IT HAS EXPENDED ALL MONEY
2 PROVIDED TO IT BY THE COMMISSION. THE COMMISSION AND THE
3 NONPROFIT ORGANIZATION SHALL POST THE REPORTS ON THEIR WEBSITES.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2022 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.