



Legislative Council Staff  
Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

<b>Drafting Number:</b>	LLS 22-0868	<b>Date:</b>	August 30, 2022
<b>Prime Sponsors:</b>	Rep. Herod; McLachlan Sen. Moreno; Coram	<b>Bill Status:</b>	Signed into Law
		<b>Fiscal Analyst:</b>	Annie Scott   303-866-5851 Annie.Scott@state.co.us

**Bill Topic:** NATIVE AMERICAN BOARDING SCHOOLS

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the Federal Indian Boarding School Research Program in History Colorado to research and make recommendations to promote understanding of the abuse and deaths that occurred at Federal Indian boarding schools in Colorado. The bill increases state expenditures in FY 2022-23.

**Appropriation Summary:** For FY 2022-23, the bill requires and includes an appropriation of \$618,611 to History Colorado.

**Fiscal Note Status:** The fiscal note reflects the enacted bill.

**Table 1  
State Fiscal Impacts Under HB 22-1327**

		<b>Budget Year FY 2022-23</b>	<b>Out Year FY 2023-24</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$618,611	-
<b>Transfers</b>		-	-
<b>Other Budget Impacts</b>	General Fund Reserve	\$92,792	-

## **Summary of Legislation**

The bill creates the Federal Indian Boarding School Research Program in History Colorado to research and make recommendations to promote understanding of the abuse and deaths that occurred at federal Indian boarding schools in Colorado. The program is repealed December 31, 2023.

**Research and reporting.** In consultation with the Southern Ute Tribe, the Ute Mountain Ute Tribe, and the Colorado Commission on Indian Affairs (commission), History Colorado is required to facilitate research on the events, physical and emotional abuse, and deaths that occurred at the federal Indian boarding school at Fort Lewis, including the victimization of families of the youth forced to attend the school, and the intergenerational impacts of the abuse. History Colorado is allowed to contract with a research entity to conduct portions of the research. Among other tasks, the work must include:

- conducting research to more accurately estimate the number of deaths at the school at Fort Lewis;
- identifying and mapping graves of Native American students buried at and around the school; and
- interviewing those with knowledge of the experiences of Native American students attending the school.

History Colorado is required to provide periodic updates to the Southern Ute Tribe, the Ute Mountain Ute Tribe, and the commission, and deliver a final report by June 30, 2023.

After delivery of the final report, History Colorado, in consultation with the Southern Ute Tribe, the Ute Mountain Ute Tribe, and the commission, is required to develop recommendations to increase understanding of the abuse that occurred and support tribal members healing from the effects of the abuse. A summary of the findings and recommendations must be made publicly available on History Colorado's website, and a written copy must be delivered to relevant entities specified in the bill.

**Teller Institute Property.** At the time the Department of Human Services (DHS) vacates the former Teller Institute Federal Indian boarding school property, all or a portion of the property must be sold or transferred to a state institution of higher education, a local government, a state agency, or a federally recognized tribe in Colorado that was impacted by the operation of the Teller Institute. The DHS must not sell or transfer the property until after the identification and mapping of any graves of Native American students buried at the school, and until the DHS, in consultation with tribal governments, develops a plan to acknowledge the abuse and victimization of students and families related to the operation of the Federal Indian boarding school located on the property.

## **Background**

The Grand Junction Regional Center (GJRC) campus is located on the site of the former Teller Institute Federal Indian Boarding School. [Senate Bill 16-178](#) directed the DHS to vacate the regional center campus to list the property for sale. [House Bill 19-1062](#) added additional options for the DHS to transfer the property to a local government or institution of higher education. As of this writing, there are still residents at the GJRC campus. The GJRC campus is comprised of about 47 acres and 28 buildings.

## State Expenditures

The bill increases state expenditures in History Colorado by \$618,611 in FY 2022-23 only, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2**  
**Expenditures Under HB 22-1327**

	FY 2022-23	FY 2023-24
<b>History Colorado</b>		
Personal Services	\$150,000	-
Research	\$468,611	-
<b>Total Cost</b>	<b>\$618,611</b>	<b>-</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**History Colorado.** In FY 2022-23 only, History Colorado requires staff and funding to perform, or contract for, the required research.

- **Staff.** In FY 2022-23 only, History Colorado requires funding for staff to oversee internal research and manage the work of the research entity as applicable, coordinate with relevant entities, and ensure the provision of the recommendations outlined under the bill. Costs are estimated to be approximately \$150,000, inclusive of salary and operating costs.
- **Research.** In FY 2022-23 only, History Colorado will perform, or may contract with an organization to perform, archaeological surveys to locate any additional areas that may contain human remains, a historical analysis of the property, and Tribal consultations to further locate remains, and to repatriate or memorialize human remains, funerary objects, and items of cultural significance, as appropriate. Costs are estimated to be approximately \$468,611.

**Governor's Office.** In FY 2022-23 only, the Colorado Commission on Indian Affairs in the Governor's Office is required to attend meetings and provide consultation on the program. The fiscal note assumes that this workload is absorbable and that no appropriation is required.

**Department of Human Services.** Beginning in FY 2022-23, workload in the Department of Human Services will increase to develop a plan to acknowledge the abuse and victimization of students and families related to the operation of the Federal Indian boarding school located on the Teller Institute property, and to adjust the process for selling or transferring the Teller Institute property to meet the requirements of the bill. This workload is assumed to be absorbable and no appropriation is required.

## Other Budget Impacts

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts in Table 1, which will decrease the amount of General Fund available for other purposes.

## Effective Date

The bill was signed into law by the Governor and took effect on May 24, 2022.

## State Appropriations

In FY 2022-23, the bill requires and includes an appropriation of \$618,611 from the General Fund to History Colorado.

## State and Local Government Contacts

Governor's Office

Human Services

Information Technology