

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 22-0539.01 Megan Waples x4348

**SENATE BILL 22-104**

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**SENATE SPONSORSHIP**

**Donovan and Simpson,**

**HOUSE SPONSORSHIP**

**McLachlan,**

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE INCLUSION OF TRIBAL GOVERNMENTS IN STATE**  
102 **PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN**  
103 **APPROPRIATION.**

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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://leg.colorado.gov>.)*

The bill requires new and amended state statutes that enumerate or define local government entities or agencies that are eligible for state grant or benefit programs to include tribal governments or agencies if possible. The legislative council staff is required to submit a report to the legislative council by December 1, 2022, identifying state grant programs

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.

SENATE  
Amended 2nd Reading  
March 11, 2022

in statute and whether those programs include tribal governments as eligible recipients.

The Colorado commission on Indian affairs is required, in consultation with the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, to submit a report to the legislative council identifying opportunities for tribal governments to be included in the operations or programs of the state as a partner, assessing whether the Colorado commission on Indian affairs can facilitate or provide those opportunities, and recommending other ways for the state to facilitate or provide those opportunities.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 2-2-803 as follows:

**2-2-803. Inclusion of tribal governments - definition.** (1) AS USED IN THIS SECTION, "LOCAL GOVERNMENT ENTITIES" INCLUDES AN AUTHORITY, COUNTY, MUNICIPALITY, CITY AND COUNTY, DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE; ANY INSTITUTION, DEPARTMENT, AGENCY, OR AUTHORITY OF ANY OF THE FOREGOING; AND ANY OTHER ENTITY, ORGANIZATION, OR CORPORATION FORMED BY AN INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACT BETWEEN OR AMONG ANY OF THE FOREGOING.

(2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, NEW OR AMENDED STATE STATUTES THAT ENUMERATE OR DEFINE LOCAL GOVERNMENT ENTITIES THAT ARE ELIGIBLE FOR OR INCLUDED IN STATE GRANT OR BENEFIT PROGRAMS MUST ALSO DESIGNATE TRIBAL NATIONS WITH JURISDICTION IN COLORADO AS ELIGIBLE ENTITIES, IF LEGAL AND APPROPRIATE GIVEN THE NATURE AND FUNDING SOURCE OF THE PROGRAM.

(3) A VIOLATION OF THIS SECTION IS NOT GROUNDS TO INVALIDATE A NEW OR AMENDED STATUTE; HOWEVER, THE STATUTE SHALL BE AMENDED TO REFLECT THE PROVISIONS OF THIS SECTION IN ANY

1 SUBSEQUENT REVISION.

2 SECTION 2. In Colorado Revised Statutes, add 2-3-312 as  
3 follows:

4 2-3-312. Opportunities to include tribal governments - reports  
5 - definition - repeal. (1) BY DECEMBER 1, 2022, THE LEGISLATIVE  
6 COUNCIL STAFF SHALL SUBMIT TO THE COUNCIL A REPORT IDENTIFYING  
7 STATE GRANT PROGRAMS CURRENTLY IN STATUTE THAT PROVIDE GRANTS  
8 TO LOCAL GOVERNMENT ENTITIES AND WHETHER EACH PROGRAM  
9 INCLUDES TRIBAL GOVERNMENTS OR TRIBAL AGENCIES AS ELIGIBLE  
10 RECIPIENTS. AS USED IN THIS SUBSECTION (1), "LOCAL GOVERNMENT  
11 ENTITIES" INCLUDES AN AUTHORITY, COUNTY, MUNICIPALITY, CITY AND  
12 COUNTY, DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE; ANY  
13 INSTITUTION, DEPARTMENT, AGENCY, OR AUTHORITY OF ANY OF THE  
14 FOREGOING; AND ANY OTHER ENTITY, ORGANIZATION, OR CORPORATION  
15 FORMED BY INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACT  
16 BETWEEN OR AMONG ANY OF THE FOREGOING.

17 (2) BY MARCH 1, 2023, THE OFFICE OF THE COLORADO  
18 COMMISSION ON INDIAN AFFAIRS ESTABLISHED IN SECTION 24-44-102  
19 SHALL, IN CONSULTATION WITH THE UTE MOUNTAIN UTE TRIBE AND THE  
20 SOUTHERN UTE INDIAN TRIBE, PREPARE AND SUBMIT A REPORT TO THE  
21 COUNCIL:

22 (a) IDENTIFYING OPPORTUNITIES FOR TRIBAL GOVERNMENTS TO BE  
23 INCLUDED IN THE OPERATIONS OR PROGRAMS OF THE STATE AS A PARTNER;

24 (b) ASSESSING WHETHER THE COLORADO COMMISSION ON INDIAN  
25 AFFAIRS IS ABLE TO FACILITATE OR PROVIDE THOSE OPPORTUNITIES; AND

26 (c) MAKING RECOMMENDATIONS ON OTHER WAYS FOR THE STATE  
27 TO FACILITATE OR PROVIDE THOSE OPPORTUNITIES.

1 (3) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2023.

2 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,  
3 \$25,000 is appropriated to the office of the governor - lieutenant governor  
4 - state planning and budgeting for use by the office of the lieutenant  
5 governor. This appropriation is from the general fund. To implement this  
6 act, the office may use this appropriation for the commission on Indian  
7 affairs.

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