

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 22-0539.01 Megan Waples x4348

SENATE BILL 22-104

SENATE SPONSORSHIP

Donovan and Simpson, Buckner, Danielson, Fields, Ginal, Gonzales, Hansen, Jaquez
Lewis, Kolker, Lee, Moreno, Pettersen, Story, Winter, Zenzinger

HOUSE SPONSORSHIP

McLachlan and Gonzales-Gutierrez,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

A BILL FOR AN ACT

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

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.

HOUSE
2nd Reading Unamended
May 2, 2022

SENATE
3rd Reading Unamended
March 14, 2022

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.

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.