

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
9/5/24

Bill 2

LLS NO. 25-0203.01 Alana Rosen x2606

INTERIM COMMITTEE BILL

American Indian Affairs Interim Study Committee

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**BILL TOPIC:** Federally Recognized Tribes & Construction of Laws

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**A BILL FOR AN ACT**

101 **CONCERNING CONSTRUCTION OF LAWS REGARDING FEDERALLY**  
102 **RECOGNIZED TRIBES IN 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://leg.colorado.gov/>.)*

**American Indian Affairs Interim Study Committee.** Current Colorado laws do not always expressly provide whether the laws apply to the Southern Ute Indian Tribe (Tribe). The bill creates a rule of construction that laws do not apply to the Tribe unless a law clearly and expressly states that the law applies to the Tribe.

The bill further clarifies that:

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

- Any law passed by the general assembly applies to persons other than Indians and to those persons' conduct on land within the reservation in which no interest is owned by the Tribe or tribally controlled entities, or on lands in which no interest is owned by Indians and is held in trust or restricted status by the United States; and
- The civil and criminal laws of the state of Colorado (state) apply to Indians and persons other than Indians within the boundaries of a municipality located within the reservation; except that this does not limit the concurrent jurisdiction of the Tribe over conduct of Indians enrolled in the Tribe within a municipality.

The bill reinforces that these rules of construction do not:

- Preclude or limit the authority of the Tribe's governing bodies from enacting legislation that consent to the application of laws passed by the general assembly;
- Abrogate the sovereign immunity of the state or the Tribe; or
- Affect the rights of the state, the Tribe, or other persons to pursue legal remedies that may be available to contest the application of laws passed by the general assembly.

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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** part 5 to article  
3 4 of title 2 as follows:

4 PART 5

5 CONSTRUCTION OF LAWS

6 FOR THE SOUTHERN UTE INDIAN TRIBE

7 AND THE SOUTHERN UTE INDIAN RESERVATION

8 **2-4-501. Purpose - legislative declaration.** (1) THE GENERAL  
9 ASSEMBLY FINDS AND DECLARES THAT IN THE ABSENCE OF CLEAR  
10 EXPRESSIONS OF LEGISLATIVE INTENT REGARDING WHETHER LEGISLATION  
11 IS INTENDED TO APPLY TO THE TRIBE, ITS MEMBERS, TRIBALLY  
12 CONTROLLED ENTITIES, OR TO INDIANS CONDUCTING ACTIVITIES WITHIN  
13 THE RESERVATION, THE RESULTING AMBIGUITY SUBSTANTIALLY

1 INCREASES THE LIKELIHOOD OF UNNECESSARY JURISDICTIONAL DISPUTES  
2 BETWEEN THE STATE OF COLORADO, THE TRIBE, AND ENTITIES OR  
3 PERSONS WHO ARE SUBJECT TO THE LAWS OF THE STATE OF COLORADO OR  
4 THE TRIBE.

5 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT THE  
6 PURPOSE OF THIS PART 5 IS TO ESTABLISH RULES FOR THE CONSTRUCTION  
7 OF LAWS PASSED BY THE GENERAL ASSEMBLY TO LIMIT THE  
8 INTERPRETATION AND APPLICATION OF LAWS TO THE TRIBE AND TO THE  
9 CONDUCT OF INDIANS, TRIBALLY CONTROLLED ENTITIES, OR PERSONS  
10 OTHER THAN INDIANS, AND THE LANDS WITHIN THE RESERVATION.

11 **2-4-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "INDIAN" MEANS AN ENROLLED MEMBER OF THE TRIBE OR AN  
14 INDIVIDUAL RECOGNIZED AS A NATIVE AMERICAN PURSUANT TO FEDERAL  
15 LAW.

16 (2) "LAND" HAS THE SAME MEANING AS SET FORTH IN SECTION  
17 2-4-401 (5).

18 (3) "MUNICIPALITY" MEANS THE TOWN OF IGNACIO OR ANY OTHER  
19 MUNICIPALITY THAT IS LOCATED ENTIRELY WITHIN THE RESERVATION AND  
20 IS INCORPORATED PURSUANT TO THE LAWS OF THE STATE.

21 (4) "RESERVATION" MEANS THE SOUTHERN UTE INDIAN  
22 RESERVATION, THE EXTERIOR BOUNDARIES OF WHICH WERE DEFINED IN  
23 THE ACT OF MAY 21, 1984, PUB.L. 98-290, 98 STAT. 201 (FOUND AT  
24 "OTHER PROVISIONS" NOTE TO 25 U.S.C. SEC. 668).

25 (5) "STATE" MEANS THE STATE OF COLORADO.

26 (6) "TRIBALLY CONTROLLED ENTITY" MEANS A DIVISION OF THE  
27 TRIBE OR A BUSINESS ORGANIZATION THAT IS A SUBSIDIARY OWNED BY

1 THE TRIBE OR AN AFFILIATE IN WHICH THE TRIBE OWNS A CONTROLLING  
2 INTEREST.

3 (7) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE.

4 **2-4-503. Rules of construction.** (1) UNLESS THE GENERAL  
5 ASSEMBLY PASSES A LAW THAT IS WRITTEN IN CLEAR, PLAIN LANGUAGE  
6 STATING THE LAW APPLIES TO THE TRIBE, A TRIBALLY CONTROLLED  
7 ENTITY, AN INDIAN, OR THE LANDS OF THE TRIBE, A TRIBALLY  
8 CONTROLLED ENTITY, OR AN INDIAN WITHIN THE RESERVATION, IT IS  
9 PRESUMED THAT A LAW PASSED BY THE GENERAL ASSEMBLY DOES NOT  
10 APPLY TO THE TRIBE, A TRIBALLY CONTROLLED ENTITY, AN INDIAN, OR  
11 THE LANDS OF THE TRIBE, A TRIBALLY CONTROLLED ENTITY, OR AN INDIAN  
12 WITHIN THE RESERVATION.

13 (2) ANY LAWS PASSED BY THE GENERAL ASSEMBLY ARE PRESUMED  
14 TO APPLY TO PERSONS OTHER THAN INDIANS AND TO THOSE PERSONS'  
15 CONDUCT ON LANDS WITHIN THE RESERVATION IN WHICH NO INTEREST IS  
16 OWNED BY THE TRIBE OR A TRIBALLY CONTROLLED ENTITY OR ON LANDS  
17 WITHIN THE RESERVATION IN WHICH NO INTEREST IS OWNED BY INDIANS  
18 AND IS HELD IN TRUST OR RESTRICTED STATUS BY THE UNITED STATES.

19 (3) THE CIVIL AND CRIMINAL LAWS OF THE STATE ARE PRESUMED  
20 TO APPLY TO INDIANS AND PERSONS OTHER THAN INDIANS WITHIN THE  
21 BOUNDARIES OF A MUNICIPALITY LOCATED WITHIN THE RESERVATION AS  
22 SET FORTH IN PUB.L. 98-290, 98 STAT. 201; EXCEPT THAT NOTHING IN THIS  
23 PART 5 LIMITS THE CONCURRENT JURISDICTION OF THE TRIBE OVER THE  
24 CONDUCT OF INDIANS WITHIN A MUNICIPALITY.

25 **2-4-504. Tribal consent to application of state laws.**

26 (1) (a) SUBJECT TO ANY APPLICABLE LIMITATIONS SET FORTH IN FEDERAL  
27 OR TRIBAL LAW, NOTHING IN THIS PART 5 PRECLUDES OR LIMITS THE

1 AUTHORITY OF THE TRIBE'S GOVERNING BODY FROM ENACTING  
2 LEGISLATION THAT CONSENTS TO THE APPLICATION OF LAWS PASSED BY  
3 THE GENERAL ASSEMBLY EITHER PRIOR TO OR FOLLOWING THE  
4 ENACTMENT OF THIS PART 5 ON BEHALF OF THE TRIBE, TRIBALLY  
5 CONTROLLED ENTITIES, OR MEMBERS OF THE TRIBE WITHIN THE  
6 RESERVATION.

7 (b) THE TRIBE MAY NOTIFY THE SPEAKER OF THE HOUSE OF  
8 REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF  
9 REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE MINORITY  
10 LEADER OF THE SENATE IF THE TRIBE ENACTS LEGISLATION THAT  
11 CONSENTS TO THE APPLICATION OF LAWS PASSED BY THE GENERAL  
12 ASSEMBLY AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

13 (2) NOTWITHSTANDING SECTION 2-4-503 (1) TO THE CONTRARY,  
14 THE GOVERNOR AND STATE AGENCIES, IN EXERCISING THE POWERS OF THE  
15 EXECUTIVE BRANCH, MAY DETERMINE THAT THE TRIBE OR THE TRIBE'S  
16 GOVERNMENTAL DIVISIONS ARE ELIGIBLE FOR PARTICIPATION IN STATE  
17 PROGRAMS AND GRANT FUNDING THAT MAY BE USED WITHIN THE  
18 RESERVATION AND THAT ARE DESIGNED TO IMPROVE INFRASTRUCTURE,  
19 HEALTH CARE AND TREATMENT, TELECOMMUNICATIONS,  
20 TRANSPORTATION, EDUCATION, LAW ENFORCEMENT, ENVIRONMENTAL  
21 PROTECTIONS, WILDLIFE RESOURCE MANAGEMENT, WATER MANAGEMENT,  
22 OR OTHER GOVERNMENTAL FUNCTIONS AND SERVICES, EVEN IF THE LAW  
23 CREATING THE PROGRAM DOES NOT EXPLICITLY AUTHORIZE  
24 PARTICIPATION BY THE TRIBE OR THE RESERVATION.

25 **2-4-505. Preservation of sovereign immunity - preservation of**  
26 **legal remedies.** (1) NOTHING IN THIS PART 5 IS INTENDED TO ABROGATE  
27 THE SOVEREIGN IMMUNITY OF THE STATE OR THE TRIBE.

1           (2) NOTHING IN THIS PART 5 IS INTENDED TO AFFECT THE RIGHT OF  
2 THE STATE, THE TRIBE, OR OTHER PERSONS TO PURSUE LEGAL REMEDIES  
3 THAT MAY BE AVAILABLE TO CONTEST THE APPLICATION OF LAWS PASSED  
4 BY THE GENERAL ASSEMBLY.

5           **SECTION 2. Act subject to petition - effective date -**  
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
7 the expiration of the ninety-day period after final adjournment of the  
8 general assembly; except that, if a referendum petition is filed pursuant  
9 to section 1 (3) of article V of the state constitution against this act or an  
10 item, section, or part of this act within such period, then the act, item,  
11 section, or part will not take effect unless approved by the people at the  
12 general election to be held in November 2026 and, in such case, will take  
13 effect on the date of the official declaration of the vote thereon by the  
14 governor.  
15           (2) This act applies to laws passed on or after the applicable  
16 effective date of this act.