

SB061 L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

SB25-061 be amended as follows:

- 1 Amend reengrossed bill, page 2, line 13, strike "TO".
- 2 Page 4, line 8, strike "CRIMINAL" and substitute "CRIMINAL,".
- 3 Page 4, line 11, strike "CAPACITY," and substitute "CAPACITIES,".
- 4 Page 4, line 12, strike "TRIBAL" and substitute "TRIBAL".
- 5 Page 5, after line 17 insert:

6 **"SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
7 4 of title 2 as follows:

PART 6

CONSTRUCTION OF LAWS

FOR THE UTE MOUNTAIN UTE TRIBE

AND THE UTE MOUNTAIN UTE RESERVATION

22 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT THE
23 PURPOSE OF THIS PART 6 IS TO ESTABLISH RULES FOR THE CONSTRUCTION
24 OF LAWS PASSED BY THE GENERAL ASSEMBLY TO LIMIT THE
25 INTERPRETATION AND APPLICATION OF LAWS TO THE TRIBE, ITS OFFICIALS
26 AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES, TRIBALLY
27 CONTROLLED ENTITIES, AND TRIBAL LANDS WITHIN THE RESERVATION.

28 **2-4-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
29 CONTEXT OTHERWISE REQUIRES:

30 (1) "RESERVATION" MEANS THE RESERVATION IN COLORADO OF
31 THE UTE MOUNTAIN UTE TRIBE.

32 (2) "STATE" MEANS THE STATE OF COLORADO.

33 (3) "TRIBAL LANDS" MEANS THE LAND OF AN INDIAN TRIBE THAT
34 IS:

6 (4) "TRIBALLY CONTROLLED ENTITY" MEANS A DIVISION OF THE
7 TRIBE OR A BUSINESS ORGANIZATION THAT IS A SUBSIDIARY OWNED BY
8 THE TRIBE OR AN AFFILIATE IN WHICH THE TRIBE OWNS A CONTROLLING
9 INTEREST.

10 (5) "TRIBE" MEANS THE UTE MOUNTAIN UTE TRIBE.

11 **2-4-603. Rules of construction.** (1) IF THE GENERAL ASSEMBLY
12 ENACTS A NEW LAW OR MATERIALLY AMENDS AN EXISTING LAW THAT IS
13 SILENT AS TO ITS APPLICATION TO THE TRIBE OR TO TRIBALLY
14 CONTROLLED ENTITIES; PURPORTS TO APPLY STATEWIDE; OR GRANTS A
15 GOVERNMENTAL AGENCY OR ENTITY CIVIL, CRIMINAL, OR REGULATORY
16 AUTHORITY, IT IS PRESUMED THAT THE LAW DOES NOT APPLY WITHIN THE
17 EXTERIOR BOUNDARIES OF THE RESERVATION TO THE TRIBE, ITS OFFICIALS
18 AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES, A TRIBALLY
19 CONTROLLED ENTITY, OR TO TRIBAL LANDS.

20 (2) NOTHING IN THIS PART 6 INTENDS TO MODIFY FEDERAL LAW.

21 (3) NOTHING IN THIS PART 6 IS INTENDED TO APPLY OUTSIDE OF
22 THE RESERVATION BOUNDARIES.

23 **2-4-604. Tribal consent to application of state laws.**
24 (1) NOTHING IN THIS PART 6 PREVENTS THE TRIBE FROM REQUESTING
25 INCLUSION IN LEGISLATION PENDING BEFORE THE GENERAL ASSEMBLY

25 INCLUSION IN LEGISLATION PENDING BEFORE THE GENERAL ASSEMBLY.

26 (2) THE GOVERNOR AND STATE AGENCIES, IN EXERCISING THE

27 POWERS OF THE EXECUTIVE BRANCH, MAY DETERMINE THAT THE TRIBE OR

28 THE TRIBE'S GOVERNMENTAL DIVISIONS ARE ELIGIBLE FOR PARTICIPATION

29 IN STATE PROGRAMS AND GRANT FUNDING THAT MAY BE USED WITHIN THE

30 RESERVATION AND THAT ARE DESIGNED TO IMPROVE INFRASTRUCTURE,

31 HEALTH CARE AND TREATMENT, TELECOMMUNICATIONS,

32 TRANSPORTATION, EDUCATION, LAW ENFORCEMENT, ENVIRONMENTAL

33 PROTECTIONS, WILDLIFE RESOURCE MANAGEMENT, WATER MANAGEMENT,

34 OR OTHER GOVERNMENTAL FUNCTIONS AND SERVICES, EVEN IF THE LAW

35 CREATING THE PROGRAM DOES NOT EXPLICITLY AUTHORIZE

36 PARTICIPATION BY THE TRIBE.

37 **2-4-605. Preservation of sovereign immunity - preservation of**
38 **legal remedies.** (1) NOTHING IN THIS PART 6 IS INTENDED TO ABROGATE
39 THE SOVEREIGN IMMUNITY OF THE STATE OR THE TRIBE.

40 (2) NOTHING IN THIS PART 6 IS INTENDED TO AFFECT THE RIGHT OF
41 THE STATE, THE TRIBE, OR OTHER PERSONS TO PURSUE LEGAL REMEDIES
42 THAT MAY BE AVAILABLE TO CONTEST THE APPLICATION OF LAWS PASSED
43 BY THE GENERAL ASSEMBLY. ".

1 Renumber succeeding section accordingly.

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