

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:

8 PART 6
9 CONSTRUCTION OF LAWS
10 FOR THE UTE MOUNTAIN UTE TRIBE
11 AND THE UTE MOUNTAIN UTE RESERVATION
12 **2-4-601. Purpose - legislative declaration.** (1) THE GENERAL
13 ASSEMBLY FINDS AND DECLARES THAT IN THE ABSENCE OF CLEAR
14 EXPRESSIONS OF LEGISLATIVE INTENT REGARDING WHETHER LEGISLATION
15 IS INTENDED TO APPLY TO THE TRIBE, ITS OFFICIALS AND EMPLOYEES
16 ACTING IN THEIR OFFICIAL CAPACITIES, TRIBALLY CONTROLLED ENTITIES,
17 OR TRIBAL LANDS WITHIN THE RESERVATION, THE RESULTING AMBIGUITY
18 SUBSTANTIALLY INCREASES THE LIKELIHOOD OF UNNECESSARY
19 JURISDICTIONAL DISPUTES BETWEEN THE STATE OF COLORADO, THE TRIBE,
20 AND ENTITIES OR PERSONS WHO ARE SUBJECT TO THE LAWS OF THE STATE
21 OF COLORADO OR THE TRIBE.

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:

- 1 (a) HELD IN TRUST BY THE UNITED STATES; OR
2 (b) SUBJECT TO RESTRICTION AGAINST ALIENATION IMPOSED BY
3 THE UNITED STATES; AND
4 (c) OWNED IN FEE SIMPLE, RESTRICTED FEE, OR BY A TRIBALLY
5 CONTROLLED ENTITY.
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.

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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