

DISCUSSION DRAFT [August 14, 2024]
PROPOSED LEGISLATION ADDRESSING CONSTRUCTION OF LAWS
AFFECTING THE SOUTHERN UTE INDIAN TRIBE AND
THE SOUTHERN UTE INDIAN RESERVATION

HB 25 ___; SB 25 ___

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

SECTION 1. In the Colorado Revised Statutes, add 2-4-501 as follows:

2-4-501. Definitions. The following definitions apply to this Part:

- (1) “Tribe” refers to the Southern Ute Indian Tribe.
- (2) “Reservation” refers to the Southern Ute Indian Reservation, the exterior boundaries of which are defined in the Act of May 21, 1984, Public Law No. 98-290, 98 Stat. 201.
- (3) “Tribally controlled entity” means a division of the Tribe or a business organization that is a subsidiary owned by the Tribe or an affiliate in which the Tribe owns a controlling interest.
- (4) “Indian” refers to an enrolled member of the Tribe or to an individual recognized under applicable federal law as a Native American.
- (5) “Municipality” means the Town of Ignacio or any other municipality the entirety of which is located within the Reservation and which is incorporated under the laws of the State of Colorado following the enactment of this Part.
- (6) “Land” means land, lands, or real estate, as defined in § 2-4-401(5).

SECTION 2. In the Colorado Revised Statutes, add 2-4-502 as follows:

2-4-502. Findings and legislative declaration. The general assembly finds and declares that, in the absence of clear expressions of legislative intention, whether legislation is intended to apply to the Tribe, its members, tribally controlled entities, or to Indians conducting activities within the Reservation, the resulting ambiguity substantially increases the likelihood of unnecessary jurisdictional disputes between

the State of Colorado, the Tribe, or those entities or individuals who are subject to either of their laws.

SECTION 3. In the Colorado Revised Statutes, add 2-4-503 as follows:

2-4-503. Purpose. The purpose of this Part is to establish a rule of construction of laws passed by the general assembly following the date of this enactment that will govern their interpretation and application to the Tribe and to the conduct of Indians, tribally controlled entities, or persons other than Indians, and lands, within the Reservation.

SECTION 4. In the Colorado Revised Statutes, add 2-4-504 as follows:

2-4-504. Rule of Construction.

(1) Unless any law passed by the general assembly following the date of this enactment contains a clear, contrary expression, such law will be presumed to not apply to the Tribe or to tribally controlled entities, Indians, or their lands within the Reservation.

(2) Any laws passed by the general assembly following the date of this enactment shall be presumed to apply to persons other than Indians and to their conduct on lands within the Reservation in which no interest is owned by the Tribe or tribally controlled entities, or in which no interest is owned by Indians and held in trust or restricted status by the United States.

(3) The criminal and civil laws of the State of Colorado shall be presumed to apply to Indians and persons other than Indians within the boundaries of a municipality located within the Reservation; however, nothing herein is intended to limit the concurrent jurisdiction of the Tribe over the conduct of Indians within a municipality.

SECTION 5. In the Colorado Revised Statutes, add 2-4-505 as follows:

2-4-505. Consent of the Tribe to Application of State Laws.

(1) Subject to any applicable limitations set forth in federal or tribal law, nothing herein contained is intended to preclude or limit the authority of the Tribe's governing body from enacting legislation on behalf of the Tribe, tribally controlled entities, or members of the Tribe consenting to the application of a law, passed by

the general assembly either prior to or after the date of this enactment, within the Reservation.

(2) Notwithstanding the rule of construction set forth in § 2-4-504(1), the Governor, in exercising the powers of the Governor's office, and statewide agencies may determine the Tribe or its governmental divisions to be eligible for participation in programs and grant funding to be used within the Reservation and that are designed to improve infrastructure, health care and treatment, telecommunications, transportation, education, law enforcement, environmental protection, wildlife resource management, or other governmental functions and services, even if the legislation creating such programs do not explicitly mention the Tribe or the Reservation.

SECTION 6. In the Colorado Revised Statutes, add 2-4-506 as follows:

2-4-506. Preservation of Sovereign Immunity; preservation of legal remedies.

(1) Nothing herein contained is intended to abrogate the sovereign immunity of the either the State of Colorado or the Tribe.

(2) Nothing here contained is intended to affect such right that the State of Colorado, the Tribe, or other persons may have to pursue such legal remedies that may be available to contest application of laws passed by the general assembly.