

CHAPTER 280

HEALTH AND ENVIRONMENT

SENATE BILL 02-235

BY SENATOR(S) Isgar, Entz, Hanna, Hernandez, Pascoe, and Tate;
also REPRESENTATIVE(S) Larson, Alexander, Borodkin, Boyd, Cloer, Coleman, Groff, Lawrence, Mace, Marshall, Ragsdale,
Romanoff, Sanchez, Smith, Spradley, Stafford, Vigil, Williams S., and Young.

AN ACT

CONCERNING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE SOUTHERN UTE INDIAN TRIBE AND THE STATE OF COLORADO ON AIR QUALITY CONTROL ON THE SOUTHERN UTE INDIAN RESERVATION.

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

SECTION 1. 25-7-1301, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-7-1301. Legislative declaration. (5) THE GENERAL ASSEMBLY HEREBY DECLARES THAT ITS INTENT IN ENACTING SB02-235 IS TO RATIFY THE CONTINUED EXISTENCE OF THE SOUTHERN UTE INDIAN TRIBE/STATE OF COLORADO ENVIRONMENTAL COMMISSION AFTER DECEMBER 13, 2001.

SECTION 2. 25-7-1303 (4), Colorado Revised Statutes, is amended to read:

25-7-1303. Southern Ute Indian tribe/state of Colorado environmental commission created. (4) The commission shall consist of three members appointed by the tribe and three members appointed by the governor. The initial members appointed by the governor shall serve terms as follows: One member shall serve until July 1, 2001, one member shall serve until July 1, 2002, and one member shall serve until July 1, 2003. All subsequent appointments by the governor shall be for terms of three years. THE GOVERNOR'S APPOINTEES SHALL BE RESIDENTS OF THE STATE OF COLORADO. AT LEAST TWO OF SUCH APPOINTEES SHALL BE RESIDENTS OF EITHER ARCHULETA OR LA PLATA COUNTY AND AT LEAST ONE OF SUCH APPOINTEES SHALL RESIDE ON FEELAND. No member appointed by the governor shall be eligible to serve more than two terms.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. 25-7-1309 (1) (c), Colorado Revised Statutes, is amended to read:

25-7-1309. Repeal of part. (1) This part 13 shall be repealed on the occurrence of any one of the following events:

(c) The failure of the United States congress to enact federal legislation ~~by December 13, 2001~~, as called for in the intergovernmental agreement.

SECTION 4. Article VID of the Intergovernmental Agreement with the Southern Ute Indian tribe concerning air quality control, as contained in section 24-62-101, Colorado Revised Statutes, is amended to read:

24-62-101. Intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado concerning air quality control on the Southern Ute Indian reservation. The general assembly hereby approves the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado, referred to in this section as the "Agreement", dated December 13, 1999, and signed by Bill Owens, governor of Colorado; Howard D. Richards, Sr., vice-chairman of the Southern Ute Indian tribal council; and Ken Salazar, attorney general of Colorado. Said compact is as follows:

**INTERGOVERNMENTAL AGREEMENT
between
THE SOUTHERN UTE INDIAN TRIBE and
THE STATE OF COLORADO
CONCERNING AIR QUALITY CONTROL ON THE
SOUTHERN UTE INDIAN RESERVATION**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into by and between the SOUTHERN UTE INDIAN TRIBE ("Tribe") and the STATE OF COLORADO ("State").

**Article VI
Conditions.**

D. Agreement for Federal Enactment. The parties agree to support and to seek the passage of federal legislation, as provided in Article XI. The parties agree to seek and support passage of such federal legislation during the Congressional session held during the ~~year 2000~~ YEARS 2000, 2001, AND 2002. As an additional condition, if such federal legislation is not enacted within ~~two~~ THREE years of the effective date of this Agreement, this Agreement shall become null and void.

SECTION 5. Effective date - applicability. This act shall take effect upon passage, and shall apply to actions taken on or after December 13, 2001, with reference to the Southern Ute Indian tribe/state of Colorado environmental commission.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2002