

CHAPTER 182

HEALTH AND ENVIRONMENT

SENATE BILL 10-082

BY SENATOR(S) Whitehead, Foster, Schwartz, Steadman, Williams;
also REPRESENTATIVE(S) Roberts, Court, Curry, Fischer, Gerou, Kerr J., Labuda, McFadyen, Merrifield, Middleton, Tipton,
Vigil.

AN ACT

CONCERNING THE SOUTHERN UTE INDIAN TRIBE/STATE OF COLORADO ENVIRONMENTAL COMMISSION, AND, IN CONNECTION THEREWITH, REPEALING TERM LIMITS APPLICABLE TO THE COMMISSION AND REPEALING A MOOT CONDITION RELATED TO THE REPEAL OF THE COMMISSION.

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

SECTION 1. 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 fee land. ~~No member appointed by the governor shall be eligible to serve more than two terms.~~

SECTION 2. 25-7-1309 (1), 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 (1) This part 13 shall be repealed on the occurrence of any one of the following events:

(a) Termination of the intergovernmental agreement by either the tribe or the state; OR

(b) Enactment of an explicit repeal by the general assembly, acting by separate

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

bill. or

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

SECTION 3. Article 62 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-62-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY:

(a) FINDS THAT SUB-SECTION (D) OF ARTICLE VI OF THE "INTERGOVERNMENTAL AGREEMENT BETWEEN THE SOUTHERN UTE INDIAN TRIBE AND THE STATE OF COLORADO CONCERNING AIR QUALITY CONTROL ON THE SOUTHERN UTE INDIAN RESERVATION" ORIGINALLY SPECIFIED THAT IF FEDERAL LEGISLATION AUTHORIZING THE TREATMENT OF THE TRIBE AS A STATE FOR FEDERAL "CLEAN AIR ACT" PURPOSES WAS NOT ENACTED BY DECEMBER 13, 2002, THEN THE AGREEMENT WOULD BECOME NULL AND VOID;

(b) DETERMINES THAT, PURSUANT TO SUB-SECTION (B) OF ARTICLE XIII OF THE AGREEMENT, THE PARTIES TO THE AGREEMENT MODIFIED SUB-SECTION (D) OF ARTICLE VI OF THE AGREEMENT IN DECEMBER 2001, DECEMBER 2002, AND DECEMBER 2003, TO EXTEND FOR ONE YEAR THE DEADLINE FOR PASSAGE OF THE FEDERAL LEGISLATION, AND THE FINAL DEADLINE FOR SUCH PASSAGE ACCORDING TO THE AGREEMENT AS MODIFIED IS DECEMBER 13, 2004; AND

(c) DECLARES THAT, WHEREAS THE FEDERAL LEGISLATION CONTEMPLATED BY THE AGREEMENT, "THE SOUTHERN UTE AND COLORADO INTERGOVERNMENTAL AGREEMENT IMPLEMENTATION ACT OF 2004" (P.L. 108-336), WAS APPROVED ON OCTOBER 18, 2004, THE CONTINGENCY CONTEMPLATED BY SUB-SECTION (D) OF ARTICLE VI OF THE AGREEMENT AND SECTION 25-7-1309 (1) (c), C.R.S., IS MOOT.

SECTION 4. Applicability. This act shall apply to commissioners of the Southern Ute Indian tribe/state of Colorado environmental commission holding office on or after the effective date of this act.

SECTION 5. 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: April 29, 2010