

CHAPTER 64

GOVERNMENT - STATE

HOUSE BILL 13-1198

BY REPRESENTATIVE(S) Coram and McLachlan, Fischer, Gerou, Ginal, Hamner, Hullinghorst, Labuda, Melton, Mitsch Bush, Pabon, Pettersen, Rosenthal, Salazar, Schafer, Scott, Vigil, Williams;
also SENATOR(S) Roberts, Guzman, Aguilar, Crowder, Giron, Jones, Kerr, King, Lambert, Newell, Schwartz, Tochtrop.

AN ACT**CONCERNING THE COLORADO COMMISSION OF INDIAN AFFAIRS.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 24-44-101 as follows:

24-44-101. Legislative declaration. The general assembly finds and declares that the affairs of the two Indian tribes whose reservations are largely within the state of Colorado, the Southern Ute tribe and the Ute Mountain Ute tribe, include matters of state interest and that the state of Colorado recognizes the special governmental relationships and the unique political status of these tribes with respect to the federal government and, further, that it is in the best interest of all the people of Colorado that there be an agency providing an official liaison among all persons in both the private and public sectors who share a concern for the establishment and maintenance of cooperative relationships with and among the aforesaid tribes AND INDIAN PEOPLES.

SECTION 2. In Colorado Revised Statutes, 24-44-103, **amend** (1) (b), (1) (d), (1) (e), and (1) (f); **repeal** (1) (g), (1) (h), (1) (i), (1) (j), and (1) (k); and **add** (2) as follows:

24-44-103. Duties and powers of commission. (1) It is the duty of the commission:

(b) To investigate the needs of Indians of this state and to ~~provide~~ FACILITATE THE PROVISION OF technical assistance in the preparation of plans for the alleviation of such needs;

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

(d) To review all proposed or pending legislation ~~and amendments to existing legislation~~ affecting Indians in this state;

(e) To study the existing status of recognition of all Indian groups, tribes, and communities presently existing in this state; AND

(f) To employ and fix the compensation of an executive ~~secretary~~ DIRECTOR of the commission, who shall carry out the responsibilities of the commission.

(g) ~~To petition the general assembly for funds to effectively administer the commission's affairs and to expend funds in compliance with state regulations;~~

(h) ~~To accept and receive gifts, funds, grants, bequests, and devices for use in furthering the purposes of the commission;~~

(i) ~~To contract with public or private bodies to provide services and facilities for promoting the welfare of the Indian people;~~

(j) ~~To make legislative recommendations;~~

(k) ~~To make and publish reports of findings and recommendations.~~

(2) THE COMMISSION HAS THE FOLLOWING POWERS:

(a) TO PETITION THE GENERAL ASSEMBLY FOR FUNDS TO EFFECTIVELY ADMINISTER THE COMMISSION'S AFFAIRS AND TO EXPEND FUNDS IN COMPLIANCE WITH STATE REGULATIONS;

(b) TO ACCEPT AND EXPEND GIFTS, FUNDS, GRANTS, DONATIONS, BEQUESTS, AND DEVICES FOR USE IN FURTHERING THE PURPOSES OF THE COMMISSION;

(c) TO CONTRACT WITH PUBLIC OR PRIVATE BODIES TO PROVIDE SERVICES AND FACILITIES FOR PROMOTING THE WELFARE OF INDIAN PEOPLES;

(d) TO MAKE LEGISLATIVE RECOMMENDATIONS;

(e) TO FORM COMMITTEES AS NEEDED TO RESPOND TO AND ADDRESS THE NEEDS OF TRIBAL GOVERNMENTS AND INDIAN PEOPLES OF THIS STATE; AND

(f) TO MAKE AND PUBLISH REPORTS OF FINDINGS AND RECOMMENDATIONS.

SECTION 3. In Colorado Revised Statutes, **amend 24-44-104** as follows:

24-44-104. Membership - term of office - chairperson - compensation.

(1) (a) The commission ~~shall consist~~ CONSISTS of the FOLLOWING ELEVEN VOTING MEMBERS:

(I) THE lieutenant governor;

(II) The executive ~~director~~ DIRECTORS of:

- (A) The department of human services;
- (B) The ~~executive director of the~~ department of public health and environment;
- (C) The ~~executive director of the~~ department of natural resources; AND
- (D) The ~~executive director of the~~ department of local affairs;

(III) Two official representatives each from Southern Ute and Ute Mountain Ute tribes; and

(IV) Two at-large members who shall be selected by the commission at its first meeting and ~~annually~~ TRIENNIALLY thereafter.

(b) THE GOVERNOR MAY, FROM TIME TO TIME AS HE OR SHE DEEMS APPROPRIATE TO RESPOND TO THE NEEDS OF TRIBAL GOVERNMENTS AND INDIAN PEOPLES OF THE STATE, APPOINT REPRESENTATIVES OF FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCIES TO SERVE AS EX OFFICIO NONVOTING MEMBERS AND REPRESENTATIVES OF NONGOVERNMENTAL ENTITIES THAT HANDLE ISSUES FACING THE TRIBES AND INDIAN PEOPLES OF COLORADO AS NONVOTING ADVISORY MEMBERS OF THE COMMISSION.

(c) THE COMMISSION SHALL CONSULT WITH OTHER PERSONS AS IT DEEMS APPROPRIATE, INCLUDING REPRESENTATIVES OF OTHER PRINCIPAL DEPARTMENTS OF STATE GOVERNMENT, POLITICAL SUBDIVISIONS, ORGANIZATIONS WITH EXPERIENCE IN AMERICAN INDIAN LEGAL MATTERS, OR OTHER SUCH ENTITIES.

(2)(a) Members serving by virtue of their office within state government may appoint a designee and shall serve so long as they hold that office. Members representing Ute Indian tribes shall be designated by their respective tribal governing bodies. MEMBERS APPOINTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SERVE AS LONG AS THEY HOLD THE POSITION IN THE GOVERNMENTAL AGENCY OR NONGOVERNMENTAL ENTITY THEY HELD WHEN ORIGINALLY APPOINTED.

(b) The lieutenant governor shall serve as ~~chairman~~ CHAIRPERSON of the commission and shall, subject to ~~the provisions of~~ section 24-44-105 and the ratification of a majority of the ~~full~~ VOTING MEMBERS OF THE commission, appoint an executive ~~secretary~~ DIRECTOR.

(3) Commission members ~~who are seated by virtue of their office within the state government, or their designees,~~ shall not be compensated for their services rendered for the commission. ~~All other commission members shall be compensated at the rate of thirty-five dollars per day for each day that the commission is in session. All members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.~~

SECTION 4. In Colorado Revised Statutes, **amend** 24-44-105 as follows:

24-44-105. Executive director. The commission may employ an executive ~~secretary~~ DIRECTOR to carry out the day-to-day responsibilities and business of the commission. The executive ~~secretary shall be~~ DIRECTOR IS an ex officio member of

the commission and ~~shall~~ MUST be an enrolled member of a federally recognized Indian tribe.

SECTION 5. In Colorado Revised Statutes, **amend** 24-44-106 as follows:

24-44-106. Meetings - quorum - proxy vote prohibited. (1) The commission shall meet quarterly and at any other such time as it deems necessary. Meetings may be called by the ~~chairman~~ CHAIRPERSON or by a petition signed by a majority of the VOTING members of the commission. Ten days' notice shall be given in writing prior to the meeting date.

(2) Two VOTING Indian members of the commission and two VOTING members SERVING by virtue of their office within state government ~~shall~~ constitute a quorum.

(3) Proxy ~~vote shall not be~~ VOTING IS NOT permitted.

SECTION 6. In Colorado Revised Statutes, **amend** 24-44-108 as follows:

24-44-108. Fiscal records. THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE SHALL KEEP fiscal records, ~~shall be kept by the executive secretary or his designee and shall be~~ WHICH RECORDS ARE subject to annual audit by the state auditor. The audit reports shall become a part of the annual report and shall be submitted in accordance with the regulations governing preparation and submission of the annual report.

SECTION 7. Applicability. This act applies to commissioners appointed on or after the effective date of this act.

SECTION 8. 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: March 22, 2013