

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0345.01 Alana Rosen x2606

SENATE BILL 25-061

SENATE SPONSORSHIP

Simpson,

HOUSE SPONSORSHIP

Weinberg and Joseph, Duran

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONSTRUCTION OF LAWS REGARDING FEDERALLY**
102 **RECOGNIZED TRIBES IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current Colorado laws do not always expressly provide whether the laws apply to the Southern Ute Indian Tribe (Tribe). The bill creates a rule of construction that a law does not apply to the Tribe unless the law clearly and expressly states that the law applies to the Tribe.

The bill further clarifies that:

- Any law passed by the general assembly applies to persons

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

other than Indians and to those persons' conduct on land within the Southern Ute Indian reservation (reservation) in which no interest is owned by the Tribe or tribally controlled entities, or on lands in which no interest is owned by Indians and is held in trust or restricted status by the United States; and

- The civil and criminal laws of the state of Colorado (state) apply to Indians and persons other than Indians within the boundaries of a municipality located within the reservation; except that this does not limit the concurrent jurisdiction of the Tribe over conduct of Indians enrolled in the Tribe within a municipality.

The bill reinforces that these rules of construction do not:

- Preclude or limit the authority of the Tribe's governing bodies from enacting legislation that consents to the application of laws passed by the general assembly;
- Abrogate the sovereign immunity of the state or the Tribe; or
- Affect the rights of the state, the Tribe, or other persons to pursue legal remedies that may be available to contest the application of laws passed by the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
3 4 of title 2 as follows:

4 **PART 5**

5 **CONSTRUCTION OF LAWS**

6 **FOR THE SOUTHERN UTE INDIAN TRIBE**

7 **AND THE SOUTHERN UTE INDIAN RESERVATION**

8 **2-4-501. Purpose - legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS AND DECLARES THAT IN THE ABSENCE OF CLEAR
10 EXPRESSIONS OF LEGISLATIVE INTENT REGARDING WHETHER LEGISLATION
11 IS INTENDED TO APPLY TO THE TRIBE, ITS OFFICIALS AND EMPLOYEES
12 ACTING IN THEIR OFFICIAL CAPACITIES, TRIBALLY CONTROLLED ENTITIES,
13 OR TO TRIBAL LANDS WITHIN THE RESERVATION, THE RESULTING

1 AMBIGUITY SUBSTANTIALLY INCREASES THE LIKELIHOOD OF
2 UNNECESSARY JURISDICTIONAL DISPUTES BETWEEN THE STATE OF
3 COLORADO, THE TRIBE, AND ENTITIES OR PERSONS WHO ARE SUBJECT TO
4 THE LAWS OF THE STATE OF COLORADO OR THE TRIBE.

5 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT THE
6 PURPOSE OF THIS PART 5 IS TO ESTABLISH RULES FOR THE CONSTRUCTION
7 OF LAWS PASSED BY THE GENERAL ASSEMBLY TO LIMIT THE
8 INTERPRETATION AND APPLICATION OF LAWS TO THE TRIBE, ITS OFFICIALS
9 AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES, TRIBALLY
10 CONTROLLED ENTITIES, AND TRIBAL LANDS WITHIN THE RESERVATION.

11 **2-4-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 ==
14 (1) "MUNICIPALITY" MEANS THE TOWN OF IGNACIO OR ANY OTHER
15 MUNICIPALITY THAT IS LOCATED ENTIRELY WITHIN THE RESERVATION AND
16 IS INCORPORATED PURSUANT TO THE LAWS OF THE STATE.

17 (2) "RESERVATION" MEANS THE SOUTHERN UTE INDIAN
18 RESERVATION, THE EXTERIOR BOUNDARIES OF WHICH ARE DEFINED IN THE
19 ACT OF MAY 21, 1984, PUB.L. 98-290, 98 STAT. 201 (FOUND AT THE
20 "OTHER PROVISIONS" NOTE TO 25 U.S.C. SEC. 668).

21 (3) "STATE" MEANS THE STATE OF COLORADO.

22 (4) "TRIBAL LANDS" MEANS LANDS OWNED IN FEE SIMPLE BY THE
23 TRIBE OR A TRIBALLY CONTROLLED ENTITY, AND TRUST LANDS,
24 INCLUDING LAND ASSIGNMENTS AND ALLOTMENTS WITHIN THE EXTERIOR
25 BOUNDARIES OF THE RESERVATION.

26 (5) "TRIBALLY CONTROLLED ENTITY" MEANS A DIVISION OF THE
27 TRIBE OR A BUSINESS ORGANIZATION THAT IS A SUBSIDIARY OWNED BY

1 THE TRIBE OR AN AFFILIATE IN WHICH THE TRIBE OWNS A CONTROLLING
2 INTEREST.

3 (6) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE.

4 **2-4-503. Rules of construction. (1) IF THE GENERAL ASSEMBLY**
5 **ENACTS A NEW LAW OR MATERIALLY AMENDS AN EXISTING LAW THAT IS**
6 **SILENT AS TO ITS APPLICATION TO THE TRIBE OR TO TRIBALLY**
7 **CONTROLLED ENTITIES; PURPORTS TO APPLY STATEWIDE; OR GRANTS A**
8 **GOVERNMENTAL AGENCY OR ENTITY CIVIL, CRIMINAL OR REGULATORY**
9 **AUTHORITY, IT IS PRESUMED THAT THE LAW DOES NOT APPLY WITHIN THE**
10 **EXTERIOR BOUNDARIES OF THE RESERVATION TO THE TRIBE, ITS OFFICIALS**
11 **AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY, A TRIBALLY**
12 **CONTROLLED ENTITY, OR TO TRIBAL LANDS.**

13 **(2) NOTHING IN THIS PART 5 INTENDS TO MODIFY FEDERAL LAW,**
14 **INCLUDING, BUT NOT LIMITED TO, PUB.L. 98-290, 98 STAT. 201 AND THE**
15 **RULES PUB.L. 98-290, 98 STAT. 201 ESTABLISHED FOR JURISDICTION**
16 **WITHIN THE RESERVATION BOUNDARIES.**

17 **(3) NOTHING IN THIS PART 5 IS INTENDED TO APPLY OUTSIDE OF**
18 **THE RESERVATION BOUNDARIES.**

19 **(4) THE CIVIL AND CRIMINAL LAWS OF THE STATE ARE PRESUMED**
20 **TO APPLY WITHIN A MUNICIPALITY TO INDIANS AND PERSONS OTHER THAN**
21 **INDIANS AS SET FORTH IN PUB.L. 98-290, 98 STAT. 201; EXCEPT THAT**
22 **NOTHING IN THIS PART 5 LIMITS THE CONCURRENT JURISDICTION OF THE**
23 **TRIBE OVER THE CONDUCT OF INDIANS WITHIN A MUNICIPALITY.**

24 **2-4-504. Tribal consent to application of state laws. _____**

25 **(1) NOTHING IN THIS PART 5 PREVENTS THE TRIBE FROM REQUESTING**
26 **INCLUSION IN LEGISLATION PENDING BEFORE THE GENERAL ASSEMBLY.**

27 **(2) THE GOVERNOR AND STATE AGENCIES, IN EXERCISING THE**

1 POWERS OF THE EXECUTIVE BRANCH, MAY DETERMINE THAT THE TRIBE OR
2 THE TRIBE'S GOVERNMENTAL DIVISIONS ARE ELIGIBLE FOR PARTICIPATION
3 IN STATE PROGRAMS AND GRANT FUNDING THAT MAY BE USED WITHIN THE
4 RESERVATION AND THAT ARE DESIGNED TO IMPROVE INFRASTRUCTURE,
5 HEALTH CARE AND TREATMENT, TELECOMMUNICATIONS,
6 TRANSPORTATION, EDUCATION, LAW ENFORCEMENT, ENVIRONMENTAL
7 PROTECTIONS, WILDLIFE RESOURCE MANAGEMENT, WATER MANAGEMENT,
8 OR OTHER GOVERNMENTAL FUNCTIONS AND SERVICES, EVEN IF THE LAW
9 CREATING THE PROGRAM DOES NOT EXPLICITLY AUTHORIZE
10 PARTICIPATION BY THE TRIBE.

11 **2-4-505. Preservation of sovereign immunity - preservation of**
12 **legal remedies.** (1) NOTHING IN THIS PART 5 IS INTENDED TO ABROGATE
13 THE SOVEREIGN IMMUNITY OF THE STATE OR THE TRIBE.

14 (2) NOTHING IN THIS PART 5 IS INTENDED TO AFFECT THE RIGHT OF
15 THE STATE, THE TRIBE, OR OTHER PERSONS TO PURSUE LEGAL REMEDIES
16 THAT MAY BE AVAILABLE TO CONTEST THE APPLICATION OF LAWS PASSED
17 BY THE GENERAL ASSEMBLY.

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly; except that, if a referendum petition is filed pursuant
22 to section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2026 and, in such case, will take
26 effect on the date of the official declaration of the vote thereon by the
27 governor.

1 (2) This act applies to laws passed on or after the applicable
2 effective date of this act.