

CHAPTER 265

STATUTES

SENATE BILL 25-061

BY SENATOR(S) Simpson, Amabile, Ball, Bridges, Carson, Danielson, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lundeen, Marchman, Michaelson Jenet, Rodriguez, Snyder, Wallace, Weissman, Winter F., Coleman;
also REPRESENTATIVE(S) Weinberg and Joseph, Duran, Bacon, Boesenecker, Carter, Clifford, Hamrick, Lindsay, Stewart K.

AN ACT**CONCERNING CONSTRUCTION OF LAWS REGARDING FEDERALLY RECOGNIZED TRIBES IN COLORADO.**

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

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

**PART 5
CONSTRUCTION OF LAWS
FOR THE SOUTHERN UTE INDIAN TRIBE
AND THE SOUTHERN UTE INDIAN RESERVATION**

2-4-501. Purpose - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IN THE ABSENCE OF CLEAR EXPRESSIONS OF LEGISLATIVE INTENT REGARDING WHETHER LEGISLATION IS INTENDED TO APPLY TO THE TRIBE, ITS OFFICIALS AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES, TRIBALLY CONTROLLED ENTITIES, OR TRIBAL LANDS WITHIN THE RESERVATION, THE RESULTING AMBIGUITY SUBSTANTIALLY INCREASES THE LIKELIHOOD OF UNNECESSARY JURISDICTIONAL DISPUTES BETWEEN THE STATE OF COLORADO, THE TRIBE, AND ENTITIES OR PERSONS WHO ARE SUBJECT TO THE LAWS OF THE STATE OF COLORADO OR THE TRIBE.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

(5) "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.

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

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

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

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

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

2-4-504. Tribal consent to application of state laws. (1) NOTHING IN THIS PART 5 PREVENTS THE TRIBE FROM REQUESTING INCLUSION IN LEGISLATION PENDING BEFORE THE GENERAL ASSEMBLY.

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

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

(2) NOTHING IN THIS PART 5 IS INTENDED TO AFFECT THE RIGHT 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.

SECTION 2. In Colorado Revised Statutes, **add** part 6 to article 4 of title 2 as follows:

PART 6
CONSTRUCTION OF LAWS
FOR THE UTE MOUNTAIN UTE TRIBE
AND THE UTE MOUNTAIN UTE RESERVATION

2-4-601. Purpose - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IN THE ABSENCE OF CLEAR EXPRESSIONS OF LEGISLATIVE INTENT REGARDING WHETHER LEGISLATION IS INTENDED TO APPLY TO THE TRIBE, ITS OFFICIALS AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES, TRIBALLY CONTROLLED ENTITIES, OR TRIBAL LANDS WITHIN THE RESERVATION, THE RESULTING AMBIGUITY SUBSTANTIALLY INCREASES THE LIKELIHOOD OF UNNECESSARY JURISDICTIONAL DISPUTES BETWEEN THE STATE OF COLORADO, THE TRIBE, AND ENTITIES OR PERSONS WHO ARE SUBJECT TO THE LAWS OF THE STATE OF COLORADO OR THE TRIBE.

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

2-4-602. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "RESERVATION" MEANS THE RESERVATION IN COLORADO OF THE UTE MOUNTAIN UTE TRIBE.

(2) "STATE" MEANS THE STATE OF COLORADO.

(3) "TRIBAL LANDS" MEANS LANDS WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION THAT ARE OWNED IN FEE SIMPLE BY THE TRIBE OR A TRIBALLY CONTROLLED ENTITY. "TRIBAL LANDS" ALSO MEANS TRUST LANDS, INCLUDING LAND ASSIGNMENTS AND ALLOTMENTS, WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION.

(4) "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.

(5) "TRIBE" MEANS THE UTE MOUNTAIN UTE TRIBE.

2-4-603. Rules of construction. (1) IF THE GENERAL ASSEMBLY ENACTS A NEW LAW OR MATERIALLY AMENDS AN EXISTING LAW THAT IS SILENT AS TO ITS APPLICATION TO THE TRIBE OR TO TRIBALLY CONTROLLED ENTITIES; PURPORTS TO APPLY STATEWIDE; OR GRANTS A GOVERNMENTAL AGENCY OR ENTITY CIVIL, CRIMINAL, OR REGULATORY AUTHORITY, IT IS PRESUMED THAT THE LAW DOES NOT APPLY WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION TO THE TRIBE, INCLUDING THE TRIBE'S OFFICIALS AND EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES, TO A TRIBALLY CONTROLLED ENTITY, OR TO TRIBAL LANDS.

(2) NOTHING IN THIS PART 6 INTENDS TO MODIFY FEDERAL LAW.

(3) NOTHING IN THIS PART 6 IS INTENDED TO APPLY OUTSIDE OF THE RESERVATION BOUNDARIES.

2-4-604. Tribal consent to application of state laws. (1) NOTHING IN THIS PART 6 PREVENTS THE TRIBE FROM REQUESTING INCLUSION IN LEGISLATION PENDING BEFORE THE GENERAL ASSEMBLY.

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

2-4-605. Preservation of sovereign immunity - preservation of legal remedies. (1) NOTHING IN THIS PART 6 IS INTENDED TO ABROGATE THE SOVEREIGN IMMUNITY OF THE STATE OR THE TRIBE.

(2) NOTHING IN THIS PART 6 IS INTENDED TO AFFECT THE RIGHT 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.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day

period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: May 28, 2025