



Final Report to the General Assembly

American Indian Affairs Study Committee
December 2024 | Research Publication 825



American Indian Affairs Interim Study Committee

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December 2024

To Members of the Seventy-fourth General Assembly:

Submitted herewith is the final report of the American Indian Affairs Interim Study Committee. This committee was created pursuant to Interim Committee Request Letter 2024-003. The purpose of this committee is to build better relationships between American Indian communities and the legislative branch through engaging in meaningful conversations between legislators, tribal citizens, and American Indian communities.

At its meeting on October 15, 2024, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2025 session was approved.

Sincerely,

/s/ Rep. Julie McCluskie
Chair

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This report is also available online at:

<https://leg.colorado.gov/committees/american-indian-affairs-interim-study-committee/2024-regular-session>

Committee Charge

Pursuant to Interim Committee Request Letter 2024-003, the American Indian Affairs Interim Study Committee (committee) was charged with building better relationships between American Indian communities and the legislative branch. Additionally, the committee was charged with exploring and addressing the challenges faced by American Indian communities, which include but are not limited to health disparities, judicial concerns, the Indian Child Welfare Act, outdoor and recreational access, and water matters.

Committee Activities

The committee held four meetings during the 2024 interim and traveled to Southwest Colorado to meet with tribal representatives and tour reservation lands. The committee heard briefings and presentations on subjects pertaining to American Indians, including current strengths, activities, and challenges of the federally recognized Tribes in Colorado and American Indians residing in Colorado. The committee received cultural competency training to prepare for these presentations and briefings, which were delivered by the following organizations:

- Colorado Commission of Indian Affairs;
- Denver American Indian Commission;
- Denver Indian Center, Inc.;
- Department of Law;
- Department of Natural Resources;
- Office of the Liaison for Missing and Murdered Indigenous Persons in the Department of Public Safety;
- Southern Ute Indian Tribe;
- Truth, Restoration, and Education Commission of Colorado; and
- Ute Mountain Ute Tribe.

The following sections discuss the committee's activities during the 2024 interim.

Engagement with American Indians

The committee heard from a number of presenters about the challenges facing American Indians in Colorado. These challenges include health disparities among American Indians, disproportionate barriers to education, a lack of employment opportunities, and limited housing, among many others.

Federally Recognized Tribes in Colorado. Colorado is home to two federally recognized Tribes: The Southern Ute Indian Tribe and Ute Mountain Ute Tribe. The committee met with representatives from both of Colorado's federally recognized Tribes on multiple occasions throughout the interim to discuss issues of importance to the Tribes.

The Southern Ute Indian Tribe representatives detailed that their intergovernmental agreements with local, state, and federal governments regarding the status of treaties, land use, water rights, and public safety. In addition, the Southern Ute Indian Tribe representatives explained that their gaming compact with the state authorizes the Tribe to permit gambling on their reservation.

Recent state legislation related to sports betting, however, has not be extended to the Southern Ute Indian Tribe. As a result, the Tribe cannot currently allow sports betting at their casino without paying a tax on those transactions.

The Ute Mountain Ute Tribal representatives discussed the Tribe's priorities for supporting the tribal members including creating more stable housing, developing an educational structure to support preservation of Ute Mountain Ute language and culture, water preservation, and improving health disparities.

American Indians in Denver and other communities. While there are two federally recognized Tribes in Colorado, there are members of Historic Tribes of Colorado as well as other American Indian/Alaska Native communities residing throughout the state and in the Denver metro area. The committee heard a presentation from the Denver American Indian Commission (DAIC) on its work to support the broad American Indian community through advocacy and education. Members of the DAIC presented the committee with information about disparities and discrimination in health care, education, housing, and employment. They discussed the ongoing work to resolve unsolved homicides and missing indigenous person alerts, a disproportionate percentage of which originate in the Denver metro area.

The committee heard testimony and presentations from members of the American Indian community who are not members of Colorado's two federal recognized Tribes, including information about the Colorado Commission on Indian Affairs, the generational trauma of Native American boarding schools, health disparities experienced by American Indians, school trust lands, state park access, and wildlife. Specifically, the presenters discussed why the committee should consider legislation prohibiting hunting of wild bison that migrate into the state from Utah. Additionally, the presenters highlighted the need for the state to develop cultural training requirements for medical providers who provide care to American Indians.

Truth, Restoration, and Education Commission. For two years, the Truth, Restoration, and Education Commission, in collaboration with the People of the Sacred Land, examined Colorado history to identify the causes of land displacement and genocide of American Indians in the state. The committee heard a presentation on the [final report](#) of the commission, which discusses damage to Tribes due to forced relocation, illegal seizure of land, violations of human rights, acts of violence, warfare, deceptive practices, and other illicit actions by the state and federal governments over 170 years. The presenters discussed how the commission hopes to use the report to focus on restoring tribal nations, assess financial harm, and identify recommendations for reconciliation.

Committee recommendations. As a result of its discussions, the committee recommends Bill A, which continues the American Indian Affairs Interim Committee for the next five years. The committee also recommends Bill C, which would classify wild bison as wildlife and prohibit hunting these animals.

The committee recommended that a bill be drafted on cultural competency training for health care providers, but the draft bill was not approved by the committee. Additionally, the committee recommended that a bill be drafted requiring a comprehensive history of Tribal Nations be taught in Colorado's public schools, but the bill was withdrawn prior to finalization.

Government Agencies

The committee heard from a number of presenters on intergovernmental relationships between American Indians and federal, state, and local entities. Government agencies discussed natural resources, public safety, wildlife and jurisdictional challenges encountered by American Indians.

Colorado Commission of Indian Affairs. The Colorado Commission of Indian Affairs (CCIA) serves as the official liaison between the state and the tribal governments and conducts quarterly meetings with the Southern Ute Indian Tribe and Ute Mountain Ute Tribe representatives. A representative from the CCIA reported on the CCIA's recent meetings and activities with tribal governments. The CCIA representative recommended that any legislation that may affect tribal members be developed in consultation with the Tribes. The CCIA representative discussed how the CCIA provided consultation for the [report](#) on Federal Indian Boarding Schools that was required by [House Bill 22-1327](#), and how the CCIA also partnered with the Department of Education to develop a needs assessment for American Indians in the state education system. Finally, the CCIA representative reviewed how the agency developed a [report](#) on recommendations for including tribal governments in state programs as part of [Senate Bill 22-104](#).

Natural Resources and Wildlife Matters. A representative from the Department of Natural Resources (DNR) presented to the committee on their management of animals, land, and natural resources on tribal lands. The representative discussed the department's commitment to improving the relationship between the state government and tribal governments. Information about how DNR engages in outreach and meetings between their divisions and tribal governments was shared with the committee. The DNR representative discussed the current status of wild bison migrating into the state from Utah, and how classifying these wild bison as livestock would involve counting these animals, ensuring a healthy ecosystem between bison and other species, prohibiting hunting of these bison, and compensating property owners for any damage caused by these bison.

Legal Matters, Gaming, and Public Safety. A representative from the Department of Law presented to the committee on how the department represents the state during water negotiations between the Tribes, state, and federal entities. A representative from the Department of Law discussed how the agency engages with the Southern Ute Indian Tribe and Ute Mountain Ute Tribe for any legal matters, including for enforcement of state, local and tribal laws. The representative commented on the concerns shared by Southern Ute Indian Tribe and Ute Mountain Ute Tribe representatives about the consistency with which local governments cooperated with the Tribes related to crimes committed by non-tribal members against tribal members on reservation lands, as well as issues with tribal warrants not being enforced by local authorities outside of tribal lands. The representative also discussed the recommendation from the Southern Ute Indian Tribe concerning the application of state laws on the Tribe and potential legislation on explicitly applying state laws to tribal members and tribal lands.

The Southern Ute Indian Tribe representatives detailed to the committee their experience with gaming legislation. Specifically, they mentioned a lack of communication from the executive and

legislative branches with the tribe on the implementation of sports betting. They provided more context and detail on gaming operations to the committee.

The Department of Public Safety houses the Office for the Liaison for Missing and Murdered Indigenous Relatives (MMIR Office), established through [Senate Bill 22-150](#) and modified through [Senate Bill 23-054](#). These bills require case reviews of violent crimes against American Indians, an annual report on these cases, and the designation of a liaison and an additional employee to serve as a point of contact for the families of the missing or murdered person. The MMIR Office is charged with improving partnerships between law enforcement and tribal representatives. The MMIR Office coordinates jurisdictional challenges between borders in these cases. The MMIR Office representatives introduced to the committee their newly hired liaison and detailed their efforts to expand community partnerships when a member of the community is missing or murdered. Additionally, the MMIR Office representatives discussed how law enforcement has been involved in community events organized by the MMIR Office.

Committee recommendations. As a result of its discussions, the committee recommends Bill B, which requires state entities to enforce tribal warrants and behavioral health commitment orders.

The committee recommended that a bill be drafted which would have presumed that any legislation passed by the General Assembly did not to apply to the Southern Ute Indian Tribe unless the Tribe consents; however, this bill was not approved by the committee.

Committee Tours

The committee traveled to Southwest Colorado, including visits to Ignacio and Towaoc to meet with the delegations of the two federally recognized Tribes of Colorado, and to the Denver Indian Center, Inc. to meet with Denver-based American Indian community leaders.

Meeting with Southern Ute Indian Tribal Council. The committee met with representatives of the Southern Ute Indian Tribe to discuss the history of the reservation; the problems they face; the successes the Southern Ute Indian Tribe has worked to achieve; and goals related to land use, water rights, and self-sufficiency. Members of the Southern Ute Indian Tribal Council began the visit by explaining how the Southern Ute Indian Tribe agreed to relocate to a reservation in the southwest corner of the state in exchange for access to farmable land, and the impact the reservation has on the surrounding community. This impact includes being one of the largest employers in La Plata County, employing over 1,400 people. In addition to employing many tribal and non-tribal residents of La Plata County, the Southern Ute Indian Tribe has fostered relationships with the surrounding residents by purchasing land and donating money for the building of Mercy Hospital.

Pine River Indian Irrigation Project (PRIIP). The committee visited a portion of the Pine River Indian Irrigation Project (PRIIP), which stores floodwater for controlled releases to benefit the irrigation of tribal and non-tribal lands and minimize floodwater damage to private lands and structures downstream. The PRIIP also provides municipal and industrial water to the towns of Bayfield and Ignacio, and a rural water supply to areas in the southeast portion of La Plata County. Although the Federal Bureau of Indian Affairs owns and operates the PRIIP, the Southern Ute Indian Tribe has funded many repairs for the project. Tribal members shared that

this project was a part of the Southern Ute Indian Tribe's efforts to responsibly use their land and water.

Southern Ute Indian Tribal Court. Committee members visited the Southern Ute Indian Tribal Court to hear about some of the challenges the court is facing. The court hears criminal and tribal cases, but not federal cases, which are heard by federal courts. In instances where both tribal members and non-Tribal members commit certain crimes on the reservation, representatives of the Southern Ute Indian Tribe shared that the tribal courts are struggling with surrounding jurisdictions not acknowledging tribal warrants and behavioral health commitment orders.

Southern Ute Indian Montessori Academy. The committee also visited the Southern Ute Indian Montessori Academy. The academy's stated goal is to provide an educational foundation for young tribal members and to preserve the Southern Ute Indian Tribe's culture and language. The academy opened in 2000 and utilizes a Montessori education model focusing on hands-on learning and independence. The school is open to all first descendants and tribal members and serves pre-kindergarten through sixth grade.

Meeting with the Ute Mountain Ute Tribal Council. The committee met with representatives of Ute Mountain Ute Tribe to hear their priorities. These priorities were creating more stable housing for tribal members, developing an education system that helps to preserve the Ute Mountain Ute Tribe's culture and language, coordinating with urban Indians to address their issues, a lack of law enforcement on the reservation, water preservation, and addressing health disparities among tribal members. Members of the Ute Mountain Ute Tribe explained the importance of state department tribal liaisons in addressing these priorities and the Tribe's communications with CCIA, federal representatives, and the General Assembly.

Representatives of the Ute Mountain Ute Tribe also shared information on the development of the Sun Bear Solar Project. The Ute Mountain Ute Tribe began planning the Sun Bear Solar Project in 2018 in an effort to meet the goals of the Ute Mountain Ute Tribe Climate Action Plan. The project would be an approximately 4,000-acre solar farm located on the Ute Mountain Ute Tribal land. The project would provide a source of revenue, jobs, renewable energy, and energy independence for members of the Ute Mountain Ute Tribe.

Ute Mountain Ute Tribe Farm and Ranch. The committee visited the Ute Mountain Ute Tribe's Farm and Ranch Enterprise. The Farm and Ranch Enterprise is an irrigated agricultural project covering over 7,000 acres of Ute Mountain Ute Reservation land in Southwest Colorado. Staff at the Ute Mountain Ute Tribe's Farm and Ranch Enterprise shared why they are proud to work for the company and the process for maintaining high agricultural yields of alfalfa, corn, and wheat, as well as how they manages the Tribe's beef operation.

Denver Indian Center Inc. (DICI). The committee visited the Denver Indian Center, Inc. (DICI) to hear about the programs the center offers. Representatives of the DICI discussed how the DICI grew out of the Denver Native American United, Inc. which began services in the 1970's to meet the unique needs of American Indians who were relocated through the federal Bureau of Indian Affairs to the Denver metro area. The DICI representatives discussed how the center serves members of the American Indian community by providing necessary programs, support, resources, and connections to their cultural heritage, and how the DICI serves as a location for

the community to gather for pow-wows and various other culturally-based activities. The DICI representatives discussed the Native Workforce Program (NWP), which was the first program provided by the DICI, including how the program is funded and how the program helps urban Indians with developing professional job-readiness skills.

The DICI representatives also discussed the Honoring Fatherhood Program. According DICI representatives, the goal of the program is to help tribal members gain a deeper understanding of relationships, the relevancy of fatherhood, and the importance of economic stability within a cultural context. Honoring Fatherhood Program participants are encouraged to explore real-world skills that assist them in their careers, communities, and their families. Enrolled participants are eligible to receive additional support with on-site childcare during classes, transportation assistance, and connecting with other service agencies.

Finally, members of the American Indian community discussed their experiences as survivors of Native American boarding schools and the support they receive from DICI's community events. These community members also discussed the challenges they encounter when receiving health care services from doctors and nurses who have not been trained on health issues for American Indians.

Summary of Recommendations

As a result of the committee's activities, the committee recommended three bills to the Legislative Council for consideration in the 2025 session. At its meeting on October 15, 2024, the Legislative Council approved the bills for introduction. The approved bills are described below.

Bill A — American Indian Affairs Interim Committee

The bill creates the Legislative Interim Committee on American Indian Affairs as an ongoing interim committee for the 2025 through 2029 legislative interims. The committee consists of six legislators, including three members from each chamber. It may hold up to six meetings during each legislative interim and request up to five bills per year. The committee must prepare a final report on their actions over the previous five years by January 15, 2030.

Bill B — Recognition of Tribal Court Orders

The bill requires state courts, law enforcement, hospitals, behavioral health facilities, and health care providers to recognize and enforce tribal court orders, including arrest warrants and behavioral health commitment orders.

Bill C — Protect Wild Bison

The bill changes the definitions of "wildlife" and "big game" to include bison, unless the bison are privately owned livestock. By classifying bison as wildlife and big game, the bill makes it illegal to hunt bison unless authorized by the Colorado Parks and Wildlife in the Department of Natural Resources.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/committees/american-indian-affairs-interim-study-committee/2024-regular-session>

Meetings and Topics Discussed

July 8, 2024

- Cultural competency training
- Southern Ute Indian Tribe presentation
- Denver American Indian Commission presentation
- Truth, Restoration, and Education Commission of Colorado presentation

July 30, 2024

- Southern Ute Indian Tribe presentation
- Southern Ute Indian Tribal Court tour
- Southern Ute Indian Montessori Academy tour
- SunUte Community Center tour
- Pine River Indian Irrigation Project site visit
- Ute Mountain Ute Tribe presentation
- Ute Mountain Ute Tribe's Farm and Ranch site visit

August 14, 2024

- Denver Indian Center, Inc. site visit
- Department of Law presentation
- Department of Natural Resources presentation
- Colorado Commission of Indian Affairs presentation
- American Indian community stakeholders presentation
- Ute Mountain Ute Tribe presentation
- Southern Ute Indian Tribe presentation
- Public testimony
- Bill requests

September 26, 2024

- Office of the Liaison for Missing and Murdered Indigenous Relatives presentation
- Department of Law presentation
- Public testimony
- Overview and approval of bill drafts