

CHAPTER 218

GENERAL ASSEMBLY

SENATE BILL 22-104

BY SENATOR(S) Donovan and Simpson, Buckner, Danielson, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Story, Winter, Zenzinger;
also REPRESENTATIVE(S) McLachlan and Gonzales-Gutierrez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Sirota, Titone, Valdez A., Valdez D., Weissman, Young, Bacon.

AN ACT

CONCERNING THE INCLUSION OF TRIBAL GOVERNMENTS IN STATE PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add 2-2-803** as follows:

2-2-803. Inclusion of tribal governments - definition. (1) AS USED IN THIS SECTION, "LOCAL GOVERNMENT ENTITIES" INCLUDES AN AUTHORITY, COUNTY, MUNICIPALITY, CITY AND COUNTY, DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE; ANY INSTITUTION, DEPARTMENT, AGENCY, OR AUTHORITY OF ANY OF THE FOREGOING; AND ANY OTHER ENTITY, ORGANIZATION, OR CORPORATION FORMED BY AN INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACT BETWEEN OR AMONG ANY OF THE FOREGOING.

(2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, NEW OR AMENDED STATE STATUTES THAT ENUMERATE OR DEFINE LOCAL GOVERNMENT ENTITIES THAT ARE ELIGIBLE FOR OR INCLUDED IN STATE GRANT OR BENEFIT PROGRAMS MUST ALSO DESIGNATE TRIBAL NATIONS WITH JURISDICTION IN COLORADO AS ELIGIBLE ENTITIES, IF LEGAL AND APPROPRIATE GIVEN THE NATURE AND FUNDING SOURCE OF THE PROGRAM.

(3) A VIOLATION OF THIS SECTION IS NOT GROUNDS TO INVALIDATE A NEW OR AMENDED STATUTE; HOWEVER, THE STATUTE SHALL BE AMENDED TO REFLECT THE PROVISIONS OF THIS SECTION IN ANY SUBSEQUENT REVISION.

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.

SECTION 2. In Colorado Revised Statutes, **add** 2-3-312 as follows:

2-3-312. Opportunities to include tribal governments - reports - definition - repeal. (1) **BY DECEMBER 1, 2022, THE LEGISLATIVE COUNCIL STAFF SHALL SUBMIT TO THE COUNCIL A REPORT IDENTIFYING STATE GRANT PROGRAMS CURRENTLY IN STATUTE THAT PROVIDE GRANTS TO LOCAL GOVERNMENT ENTITIES AND WHETHER EACH PROGRAM INCLUDES TRIBAL GOVERNMENTS OR TRIBAL AGENCIES AS ELIGIBLE RECIPIENTS. AS USED IN THIS SUBSECTION (1), "LOCAL GOVERNMENT ENTITIES" INCLUDES AN AUTHORITY, COUNTY, MUNICIPALITY, CITY AND COUNTY, DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE; ANY INSTITUTION, DEPARTMENT, AGENCY, OR AUTHORITY OF ANY OF THE FOREGOING; AND ANY OTHER ENTITY, ORGANIZATION, OR CORPORATION FORMED BY INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACT BETWEEN OR AMONG ANY OF THE FOREGOING.**

(2) **BY MARCH 1, 2023, THE OFFICE OF THE COLORADO COMMISSION ON INDIAN AFFAIRS ESTABLISHED IN SECTION 24-44-102 SHALL, IN CONSULTATION WITH THE UTE MOUNTAIN UTE TRIBE AND THE SOUTHERN UTE INDIAN TRIBE, PREPARE AND SUBMIT A REPORT TO THE COUNCIL:**

(a) **IDENTIFYING OPPORTUNITIES FOR TRIBAL GOVERNMENTS TO BE INCLUDED IN THE OPERATIONS OR PROGRAMS OF THE STATE AS A PARTNER;**

(b) **ASSESSING WHETHER THE COLORADO COMMISSION ON INDIAN AFFAIRS IS ABLE TO FACILITATE OR PROVIDE THOSE OPPORTUNITIES; AND**

(c) **MAKING RECOMMENDATIONS ON OTHER WAYS FOR THE STATE TO FACILITATE OR PROVIDE THOSE OPPORTUNITIES.**

(3) **THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2023.**

SECTION 3. Appropriation. For the 2022-23 state fiscal year, \$25,000 is appropriated to the office of the governor - lieutenant governor - state planning and budgeting for use by the office of the lieutenant governor. This appropriation is from the general fund. To implement this act, the office may use this appropriation for the commission on Indian affairs.

SECTION 4. Act subject to petition - effective date. 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 24, 2022