

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 10-0622.01 Thomas Morris

SENATE BILL 10-082

SENATE SPONSORSHIP

Whitehead,

HOUSE SPONSORSHIP

Roberts,

Senate Committees
Health and Human Services

House Committees
Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING THE SOUTHERN UTE INDIAN TRIBE/STATE OF COLORADO**
102 **ENVIRONMENTAL COMMISSION, AND, IN CONNECTION**
103 **THEREWITH, REPEALING TERM LIMITS APPLICABLE TO THE**
104 **COMMISSION AND REPEALING A MOOT CONDITION RELATED TO**
105 **THE REPEAL OF THE COMMISSION.**

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://www.leg.state.co.us/billsummaries>.)

The bill repeals the term limits applicable to the members of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 16, 2010

SENATE
2nd Reading Unamended
February 15, 2010

Southern Ute Indian tribe/state of Colorado environmental commission and repeals a moot condition relating to the repeal of the commission.

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

2 **SECTION 1.** 25-7-1303 (4), Colorado Revised Statutes, is
3 amended to read:

4 **25-7-1303. Southern Ute Indian tribe/state of Colorado**
5 **environmental commission created.** (4) The commission shall consist
6 of three members appointed by the tribe and three members appointed by
7 the governor. The initial members appointed by the governor shall serve
8 terms as follows: One member shall serve until July 1, 2001, one member
9 shall serve until July 1, 2002, and one member shall serve until July 1,
10 2003. All subsequent appointments by the governor shall be for terms of
11 three years. The governor's appointees shall be residents of the state of
12 Colorado. At least two of such appointees shall be residents of either
13 Archuleta or La Plata county and at least one of such appointees shall
14 reside on fee land. ~~No member appointed by the governor shall be~~
15 ~~eligible to serve more than two terms.~~

16 **SECTION 2.** 25-7-1309 (1), Colorado Revised Statutes, is
17 amended to read:

18 **25-7-1309. Repeal of part.** (1) This part 13 shall be repealed on
19 the occurrence of any one of the following events:

20 (a) Termination of the intergovernmental agreement by either the
21 tribe or the state; OR

22 (b) Enactment of an explicit repeal by the general assembly, acting
23 by separate bill. or

24 (c) ~~The failure of the United States congress to enact federal~~
25 ~~legislation as called for in the intergovernmental agreement.~~

1 **SECTION 3.** Article 62 of title 24, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW SECTION to read:

3 **24-62-102. Legislative declaration.** (1) THE GENERAL
4 ASSEMBLY HEREBY:

5 (a) FINDS THAT SUB-SECTION (D) OF ARTICLE VI OF THE
6 "INTERGOVERNMENTAL AGREEMENT BETWEEN THE SOUTHERN UTE
7 INDIAN TRIBE AND THE STATE OF COLORADO CONCERNING AIR QUALITY
8 CONTROL ON THE SOUTHERN UTE INDIAN RESERVATION" ORIGINALLY
9 SPECIFIED THAT IF FEDERAL LEGISLATION AUTHORIZING THE TREATMENT
10 OF THE TRIBE AS A STATE FOR FEDERAL "CLEAN AIR ACT" PURPOSES WAS
11 NOT ENACTED BY DECEMBER 13, 2002, THEN THE AGREEMENT WOULD
12 BECOME NULL AND VOID;

13 (b) DETERMINES THAT, PURSUANT TO SUB-SECTION (B) OF ARTICLE
14 XIII OF THE AGREEMENT, THE PARTIES TO THE AGREEMENT MODIFIED
15 SUB-SECTION (D) OF ARTICLE VI OF THE AGREEMENT IN DECEMBER 2001,
16 DECEMBER 2002, AND DECEMBER 2003, TO EXTEND FOR ONE YEAR THE
17 DEADLINE FOR PASSAGE OF THE FEDERAL LEGISLATION, AND THE FINAL
18 DEADLINE FOR SUCH PASSAGE ACCORDING TO THE AGREEMENT AS
19 MODIFIED IS DECEMBER 13, 2004; AND

20 (c) DECLARES THAT, WHEREAS THE FEDERAL LEGISLATION
21 CONTEMPLATED BY THE AGREEMENT, "THE SOUTHERN UTE AND
22 COLORADO INTERGOVERNMENTAL AGREEMENT IMPLEMENTATION ACT OF
23 2004" (P.L. 108-336), WAS APPROVED ON OCTOBER 18, 2004, THE
24 CONTINGENCY CONTEMPLATED BY SUB-SECTION (D) OF ARTICLE VI OF THE
25 AGREEMENT AND SECTION 25-7-1309 (1) (c), C.R.S., IS MOOT.

26 **SECTION 4. Applicability.** This act shall apply to
27 commissioners of the Southern Ute Indian tribe/state of Colorado

1 environmental commission holding office on or after the effective date of
2 this act.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.