

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0730.01 Kate Meyer x4348

HOUSE BILL 13-1198

HOUSE SPONSORSHIP

Coram and McLachlan,

SENATE SPONSORSHIP

Roberts, Guzman

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO COMMISSION OF INDIAN AFFAIRS.**

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 makes the following changes with respect to the Colorado commission of Indian affairs (commission):

- ! Bifurcates the commission's existing functions into "powers" and "duties" and adds the power to form committees as needed;
- ! Increases the length of the terms of the at-large commission members from one year to 3 years;

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
2nd Reading Unamended
March 18, 2013

HOUSE
3rd Reading Unamended
March 5, 2013

HOUSE
Amended 2nd Reading
March 1, 2013

- ! Directs the commission to consult with other persons as it deems appropriate;
 - ! Withdraws compensation, including reimbursement of expenses, for commission members;
 - ! Changes the title of the person employed to handle the day-to-day responsibilities and business of the commission from "executive secretary" to "executive director"; and
 - ! Makes other technical and nonsubstantive changes.
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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 24-44-101 as
3 follows:

4 **24-44-101. Legislative declaration.** The general assembly finds
5 and declares that the affairs of the two Indian tribes whose reservations
6 are largely within the state of Colorado, the Southern Ute tribe and the
7 Ute Mountain Ute tribe, include matters of state interest and that the state
8 of Colorado recognizes the special governmental relationships and the
9 unique political status of these tribes with respect to the federal
10 government and, further, that it is in the best interest of all the people of
11 Colorado that there be an agency providing an official liaison among all
12 persons in both the private and public sectors who share a concern for the
13 establishment and maintenance of cooperative relationships with and
14 among the aforesaid tribes AND INDIAN PEOPLES.

15 **SECTION 2.** In Colorado Revised Statutes, 24-44-103, **amend**
16 (1) (b), (1) (d), (1) (e), and (1) (f); **repeal** (1) (g), (1) (h), (1) (i), (1) (j),
17 and (1) (k); and **add** (2) as follows:

18 **24-44-103. Duties and powers of commission.** (1) It is the duty
19 of the commission:

20 (b) To investigate the needs of Indians of this state and to ~~provide~~
21 FACILITATE THE PROVISION OF technical assistance in the preparation of

- 1 plans for the alleviation of such needs;
- 2 (d) To review all proposed or pending legislation ~~and amendments~~
3 ~~to existing legislation~~ affecting Indians in this state;
- 4 (e) To study the existing status of recognition of all Indian groups,
5 tribes, and communities presently existing in this state; AND
- 6 (f) To employ and fix the compensation of an executive ~~secretary~~
7 DIRECTOR of the commission, who shall carry out the responsibilities of
8 the commission.
- 9 ~~(g) To petition the general assembly for funds to effectively~~
10 ~~administer the commission's affairs and to expend funds in compliance~~
11 ~~with state regulations;~~
- 12 ~~(h) To accept and receive gifts, funds, grants, bequests, and~~
13 ~~devices for use in furthering the purposes of the commission;~~
- 14 ~~(i) To contract with public or private bodies to provide services~~
15 ~~and facilities for promoting the welfare of the Indian people;~~
- 16 ~~(j) To make legislative recommendations;~~
- 17 ~~(k) To make and publish reports of findings and~~
18 ~~recommendations.~~
- 19 (2) THE COMMISSION HAS THE FOLLOWING POWERS:
- 20 (a) TO PETITION THE GENERAL ASSEMBLY FOR FUNDS TO
21 EFFECTIVELY ADMINISTER THE COMMISSION'S AFFAIRS AND TO EXPEND
22 FUNDS IN COMPLIANCE WITH STATE REGULATIONS;
- 23 (b) TO ACCEPT AND EXPEND GIFTS, FUNDS, GRANTS, DONATIONS,
24 BEQUESTS, AND DEVICES FOR USE IN FURTHERING THE PURPOSES OF THE
25 COMMISSION;
- 26 (c) TO CONTRACT WITH PUBLIC OR PRIVATE BODIES TO PROVIDE
27 SERVICES AND FACILITIES FOR PROMOTING THE WELFARE OF INDIAN

- 1 PEOPLES;
- 2 (d) TO MAKE LEGISLATIVE RECOMMENDATIONS;
- 3 (e) TO FORM COMMITTEES AS NEEDED TO RESPOND TO AND
- 4 ADDRESS THE NEEDS OF TRIBAL GOVERNMENTS AND INDIAN PEOPLES OF
- 5 THIS STATE; AND
- 6 (f) TO MAKE AND PUBLISH REPORTS OF FINDINGS AND
- 7 RECOMMENDATIONS.

8 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-44-104 as

9 follows:

10 **24-44-104. Membership - term of office - chairperson -**

11 **compensation.** (1) (a) The commission ~~shall consist~~ CONSISTS of the

12 FOLLOWING ELEVEN VOTING MEMBERS:

- 13 (I) THE lieutenant governor;
- 14 (II) The executive ~~director~~ DIRECTORS of:
- 15 (A) The department of human services;
- 16 (B) The ~~executive director of the~~ department of public health and
- 17 environment;
- 18 (C) The ~~executive director of the~~ department of natural resources;
- 19 AND
- 20 (D) The ~~executive director of the~~ department of local affairs;
- 21 (III) Two official representatives each from Southern Ute and Ute
- 22 Mountain Ute tribes; and
- 23 (IV) Two at-large members who shall be selected by the
- 24 commission at its first meeting and ~~annually~~ TRIENNIALLY thereafter.
- 25 (b) THE GOVERNOR MAY, FROM TIME TO TIME AS HE OR SHE DEEMS
- 26 APPROPRIATE TO RESPOND TO THE NEEDS OF TRIBAL GOVERNMENTS AND
- 27 INDIAN PEOPLES OF THE STATE, APPOINT REPRESENTATIVES OF FEDERAL,

1 STATE, OR LOCAL GOVERNMENTAL AGENCIES TO SERVE AS EX OFFICIO
2 NONVOTING MEMBERS AND REPRESENTATIVES OF NONGOVERNMENTAL
3 ENTITIES THAT HANDLE ISSUES FACING THE TRIBES AND INDIAN PEOPLES
4 OF COLORADO AS NONVOTING ADVISORY MEMBERS OF THE COMMISSION.

5 (c) THE COMMISSION SHALL CONSULT WITH OTHER PERSONS AS IT
6 DEEMS APPROPRIATE, INCLUDING REPRESENTATIVES OF OTHER PRINCIPAL
7 DEPARTMENTS OF STATE GOVERNMENT, POLITICAL SUBDIVISIONS,
8 ORGANIZATIONS WITH EXPERIENCE IN AMERICAN INDIAN LEGAL MATTERS,
9 OR OTHER SUCH ENTITIES.

10 (2) (a) Members serving by virtue of their office within state
11 government may appoint a designee and shall serve so long as they hold
12 that office. Members representing Ute Indian tribes shall be designated
13 by their respective tribal governing bodies. MEMBERS APPOINTED
14 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SERVE
15 AS LONG AS THEY HOLD THE POSITION IN THE GOVERNMENTAL AGENCY OR
16 NONGOVERNMENTAL ENTITY THEY HELD WHEN ORIGINALLY APPOINTED.

17 (b) The lieutenant governor shall serve as ~~chairman~~ CHAIRPERSON
18 of the commission and shall, subject to ~~the provisions of~~ section
19 24-44-105 and the ratification of a majority of the ~~full~~ VOTING MEMBERS
20 OF THE commission, appoint an executive ~~secretary~~ DIRECTOR.

21 (3) Commission members ~~who are seated by virtue of their office~~
22 ~~within the state government, or their designees,~~ shall not be compensated
23 for their services rendered for the commission. ~~All other commission~~
24 ~~members shall be compensated at the rate of thirty-five dollars per day for~~
25 ~~each day that the commission is in session. All members shall be~~
26 ~~reimbursed for their actual and necessary expenses incurred in the~~
27 ~~performance of their duties.~~

1 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-44-105 as
2 follows:

3 **24-44-105. Executive director.** The commission may employ an
4 executive ~~secretary~~ DIRECTOR to carry out the day-to-day responsibilities
5 and business of the commission. The executive ~~secretary shall be~~
6 DIRECTOR IS an ex officio member of the commission and ~~shall~~ MUST be
7 an enrolled member of a federally recognized Indian tribe.

8 **SECTION 5.** In Colorado Revised Statutes, **amend** 24-44-106 as
9 follows:

10 **24-44-106. Meetings - quorum - proxy vote prohibited.** (1) The
11 commission shall meet quarterly and at any other such time as it deems
12 necessary. Meetings may be called by the ~~chairman~~ CHAIRPERSON or by
13 a petition signed by a majority of the **VOTING** members of the
14 commission. Ten days' notice shall be given in writing prior to the
15 meeting date.

16 (2) Two **VOTING** Indian members of the commission and two
17 **VOTING** members SERVING by virtue of their office within state
18 government ~~shall~~ constitute a quorum.

19 (3) Proxy ~~vote shall not be~~ VOTING IS NOT permitted.

20 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-44-108 as
21 follows:

22 **24-44-108. Fiscal records.** THE EXECUTIVE DIRECTOR OR HIS OR
23 HER DESIGNEE SHALL KEEP fiscal records, ~~shall be kept by the executive~~
24 ~~secretary or his designee and shall be~~ WHICH RECORDS ARE subject to
25 annual audit by the state auditor. The audit reports shall become a part of
26 the annual report and shall be submitted in accordance with the
27 regulations governing preparation and submission of the annual report.

1 **SECTION 7. Applicability.** This act applies to commissioners
2 appointed on or after the effective date of this act.

3 **SECTION 8. 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.