

# Colorado State Statutes Associated With Indian Affairs

## 2013

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### ELECTIONS

#### QUALIFICATIONS—REGISTRATION OF ELECTORS

##### **CRS §1-2-203 - Registration on Indian Reservations**

The secretary or secretary's designee of any tribal council of an Indian tribe located on a federal reservation which has no municipality contained within the reservation shall serve as a deputy registrar only for registration purposes for the county in which the reservation is located. The secretary of the tribal council or the secretary's designee shall take registrations only in the tribal council headquarters. The secretary of the tribal council or the secretary's designee shall register any eligible elector residing in any precinct in the county who appears in person in the office of the secretary of the tribal council at any time during which registration is permitted in the office of the county clerk and recorder. The secretary of the tribal council shall forward the registration records to the county clerk and recorder, either in person or by certified mail, on or before the fifteenth day of each month; except that the secretary of the tribal council shall appear in person to deliver any registration records to the county clerk and recorder on the day following the last day that registration is permitted preceding any election for which registration is required.

### UNITED STATES

#### PROPERTY CEDED TO THE UNITED STATES

##### **CRS §3-1-125 - Jurisdiction over land for Indian school ceded**

Exclusive jurisdiction, for all purposes except such as are in sections 3-1-125 to 3-1-127 expressly reserved over all that tract, piece or parcel of land, situated near Grand Junction, in the county of Mesa, in the state of Colorado, known and described as follows: Commencing at the southeast corner of the southwest quarter section eighteen, township one, south of range one, east of the Ute meridian; thence running east along the south line of said section eighteen, seventy rods; thence north eighty rods, more or less, to the north line of the southwest quarter of the southeast quarter of said section eighteen; thence west seventy rods, to the east line of the southwest quarter of said section eighteen; thence south eighty rods, more or less, to the place of beginning; being the west thirty-five acres of south half of the southeast quarter of section eighteen, township one, south of range one, east of the Ute meridian, and adjoining the lands of the United States used for an Indian school, and as an addition thereto, for like use, be and hereby is ceded, granted, transferred, conferred, and confirmed unto the United States of America, from and after the time when the United States shall become the owner of said tract, for and during the time the United States shall remain the owner thereof; but, nevertheless,

jurisdiction to serve the civil process of state, county, and municipal courts and tribunals, within said tract, and also to serve and execute thereon process in criminal cases, by state, county, and municipal officials, in respect of offenses, misdemeanors, crimes, and felonies, committed outside of said tract, is reserved to the state of Colorado.

UNITED STATES

JURISDICTION RESERVED BY STATE

**CRS §3-2-101 - State Jurisdiction over Indian reservations and federally controlled properties for school district purposes**

The state of Colorado hereby accepts jurisdiction over the territory of all Indian reservations, which is situated within the state, for the purpose of such territory, or any portion thereof, being included within one or more school districts and junior college districts. The state of Colorado hereby reserves jurisdiction over all federally owned or controlled territory within the state, in all instances wherein such reserved jurisdiction may be so construed in accordance with the terms of the grants or agreements heretofore or hereafter made to or with the federal government, for the purpose of such territory, or any portion thereof, being included within one or more school districts and junior college districts.

LABOR AND INDUSTRY

FUEL PRODUCTS

PETROLEUM STORAGE

DEFINITIONS – GENERAL PROVISIONS

**CRS §8-20.5-101 - Definitions**

(5.5) "Fee lands" means land owned in fee simple within the exterior boundaries of the Southern Ute Indian reservations in Colorado. "Fee land" does not mean land owned by an Indian tribe or the federal government or held in trust by the federal government for the use or benefit of an Indian tribe or its members.

LABOR AND INDUSTRY

FUEL PRODUCTS

UNDERGROUND STORAGE TANKS

**CRS §8-20.5-206 - Financial responsibility for petroleum underground storage tanks.**

(6) Underground storage tanks containing petroleum or other regulated substances that are owned or operated by, or are on property owned or leased by, an Indian tribe or the federal government, or an agency or subcontractor performing services on behalf of the federal government shall be subject to federal financial responsibility regulations. Any financial responsibility requirements for damages caused by such tanks are not the responsibility of the fund unless the tanks are owned or operated by a person, other than the federal government or such agency or subcontractor, and located on property that is leased from or otherwise occupied pursuant to a permit or other agreement with the United States or any agency thereof other than the department of defense or the department of energy.

LABOR AND INDUSTRY  
FUEL PRODUCTS  
ABOVEGROUND STORAGE TANKS

**CRS §8-20.5-303 - Financial responsibility for petroleum aboveground storage tanks.**

(6) Aboveground storage tanks containing petroleum or other regulated substances that are owned or operated by, or are on property owned or leased by, an Indian tribe or the federal government or an agency or subcontractor performing services on behalf of the federal government shall be subject to federal financial responsibility regulations. Any financial responsibility requirements for damages caused by such tanks are not the responsibility of the fund unless such tanks are owned or operated by a person, other than the federal government or such agency or subcontractor, and located on property that is leased from or otherwise occupied pursuant to a permit or other agreement with the United States or any agency thereof other than the department of defense or the department of energy.

LABOR AND INDUSTRY  
DEFINITIONS – GENERAL PROVISIONS

**CRS §8-70-125.5 – Employment – Indian tribes**

In December 2001, President Clinton signed the Consolidated Appropriations Act 2001 into law. It amended the Federal Unemployment Tax Act mandating states to amend their unemployment laws to allow federally recognized tribal governments within their state boundaries to elect to be treated as businesses or as governmental agencies when making contributions or payments for unemployment insurance for their employees. Previously, tribal governments were treated solely as businesses and were required to make payments monthly. However, with the option of being treated as a governmental agency, they now can be treated as other state and local governments and pay unemployment claims as they are awarded to claimants. *(Summary provided by National Conference of State Legislatures)* See **CRS §8-70-113 Employer – definition.** See **CRS §8-70-140 Employment does not include - nonprofit organizations - governmental entities – Indian tribes.**

LABOR AND INDUSTRY  
ARTICLE 76  
PREMIUMS - COVERAGE

**CRS §8-76-115 – Coverage of Indian tribes.**

(1) Indian tribes or tribal units, including all subdivisions or subsidiaries of, and business enterprises wholly owned by, such Indian tribes, subject to the provisions of articles 70 to 82 of this title shall pay premiums and surcharges under the same terms and conditions under sections 8-76-101 to 8-76-103 as apply to other premium-paying employers unless an election is made, in the same manner provided in section 8-76-108 (1) (d), to make payments in lieu of premiums into the unemployment compensation fund in amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.

(2) Indian tribes shall determine if payments in lieu of premiums will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units. Two or more individual tribal units may apply with the division for the establishment of a

group account in the same manner and subject to the same terms as set forth in section 8-76-110 (6). (3) Indian tribes or tribal units electing to make payments in lieu of premiums shall be billed for the full amount of benefits attributable to service in the employ of said Indian tribes or tribal units, and payment shall be made with respect to said billings in the manner provided in section 8-76-108 (1) (c).

(4) The division may require any Indian tribe or tribal unit that elects to become liable for payments in lieu of premiums to execute and file with the division a surety bond or to deposit money or securities in the manner provided in section 8-76-110 (4).

(5) (a) Failure of the Indian tribe or tribal unit to make required payments pursuant to subsection (3) of this section, to pay premiums pursuant to sections 8-76-101 to 8-76-103, to pay assessments of interest and penalties pursuant to sections 8-79-101 and 8-79-104, or to execute and file a surety bond or deposit money or other security pursuant to section 8-76-110 (4) within ninety days after receipt of a delinquency notice by the division shall cause the Indian tribe to lose the option to make payments in lieu of premiums effective with the beginning of the following calendar year unless a division-approved payment plan is established or payment in full is received within the ninety-day period. (b) The division shall notify the United States internal revenue service and the United States department of labor of failures by the Indian tribe or tribal unit to comply with this subsection (5).

(6) Any Indian tribe that loses the option to make payments in lieu of premiums due to late payment or nonpayment, as described in subsection (5) of this section, shall have such option reinstated effective with the beginning of the following calendar year if, by March 1 of said year, all contributions have been timely made and no premiums or surcharges, payments in lieu of premiums for benefits paid, penalties, or interest remain outstanding.

(7) (a) Failure of the Indian tribe or any tribal unit thereof to make any payment required by subsection (5) of this section, after all collection activities deemed necessary by the division have been exhausted, shall cause services performed for such tribe to not be treated as "employment" for purposes of section 8-70-125.5. (b) The division may determine that any Indian tribe that loses coverage under the provisions of this subsection (7) may have services performed for such tribe again included as "employment" for purposes of section 8-70-125.5 if all premiums and surcharges, payments in lieu of premiums, penalties and interest, or surety bond or payment of other money or security have been paid.

(8) Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information stating that failure to make full payment within the prescribed time period:

(a) Shall cause the Indian tribe to be liable for taxes under the "Federal Unemployment Tax Act", 26 U.S.C. sec. 3301 et seq.;

(b) Shall cause the Indian tribe to lose the option to make payments in lieu of premiums; and

(c) May cause the Indian tribe to be excepted from the definition of "employer" as provided in section 8-70-113 (1) (k) and may cause services in the employ of the Indian tribe, as provided in section 8-70-125.5, to be excepted from "employment".

(9) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the federal government shall be financed in their entirety by such Indian tribe in the manner provided in section 8-76-108 (1) (e).

INSURANCE

HEALTH CARE COVERAGE

**CRS §10-16-102. Definitions.**

(13.7) "Creditable coverage" means benefits or coverage provided under:

(e) Chapter 55 of title 10 of the United States code, a medical care program of the federal Indian health service or of a tribal organization, a health plan offered under chapter 89 of title 5, United States code, a public health plan, or a health benefit plan under section 5 (e) of the federal "Peace Corps Act" (22 U.S.C. Sec. 2504 (e)).

PROFESSIONS AND OCCUPATIONS

INDIAN ARTS AND CRAFTS SALES

**CRS §12-44.5-101 through 108 - Indian Arts and Crafts Sales Act**

The purpose of this article is to protect the public from false representation in the sale or offering for sale of authentic Indian and other arts and crafts.

PROFESSIONS AND OCCUPATIONS

COLORADO LIMITED GAMING ACT

See **CRS §12-47.1-512 Application - fee - waiver of confidentiality.**

**CRS §12-47.1-1001. Persons excluded or ejected - factors considered - legislative declaration.**

**CRS §12-47.1-1002. Emergency listing of persons to be excluded or ejected.**

**CRS §12-47.1-1601. Local government limited gaming impact fund - repeal.**

**CRS §12-47.1-1602. Local government limited gaming impact advisory committee - creation - duties.**

(1) There is hereby created within the department of local affairs a local government limited gaming impact advisory committee, referred to in this section as the "committee". The committee shall be composed of the following thirteen members:

(III) One member shall be appointed by the chairs of the boards of county commissioners from the counties impacted by tribal gaming who shall serve a term of four years.

PROFESSIONS AND OCCUPATIONS

TRIBAL-STATE GAMING COMPACT

**CRS §12-47.2-101 through 103 - Tribal-State Gaming Compact**

In accordance with federal Indian gaming regulations in 25 U.S.C. 2710(d)(3)(C), any Indian tribe having jurisdiction over the Indian lands upon which class III gaming activity is being conducted or is to be conducted shall request the governor of Colorado on behalf of this state to enter into negotiations for the purpose of entering into a tribal-state compact governing the conduct of gaming activities. Upon receiving such a request, the governor shall negotiate, after consultation with the Colorado limited gaming control commission created in section 12-47.1-301, with the Indian tribe in good faith to enter such a compact.

PROFESSIONS AND OCCUPATIONS

HEALTH CARE

UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

**CRS §12-55-303 Applicability**

This part 3 applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. This part 3 does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.

COURTS AND COURT PROCEDURE

CIVIL PROTECTION ORDERS

**CRS §13-14-104. Foreign protection orders.**

(1) Definitions. As used in this section, "foreign protection order" means any protection or restraining order, injunction, or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary or final orders, other than child support or custody orders, issued by a civil or criminal court of another state, an Indian tribe, or a U.S. territory or commonwealth.

COURTS AND COURT PROCEDURE

JURIES AND JURORS

COLORADO UNIFORM JURY SELECTION AND SERVICE ACT

**CRS §13-71-105. Qualifications for juror service.**

(2) A prospective trial or grand juror shall be disqualified, based on the following grounds:

(f) Selection and service as an impaneled trial or grand juror in any municipal, tribal, military, state, or federal court within the preceding twelve months or being scheduled for juror service within the next twelve months. Any person claiming this disqualification must submit a letter or certificate from the appropriate authority verifying prior or pending juror service.

COURTS AND COURT PROCEDURE

WITNESSES

UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

**CRS §13-90.5-102. Definitions.**

(4) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

DOMESTIC MATTERS

MARRIAGE AND RIGHTS OF MARRIED WOMAN

**CRS §14-2-109 - Solemnization and registration**

(1) A marriage may be solemnized by a judge of a court, by a court magistrate, by a retired judge of a court, by a public official whose powers include solemnization of marriages, by the parties to the marriage, or in accordance with any mode of solemnization recognized by any religious denomination or Indian nation or tribe.

DOMESTIC MATTERS

DESERTION AND NONSUPPORT

UNIFORM INTERSTATE FAMILY SUPPORT ACT

GENERAL PROVISIONS

**CRS §14-5-102 Definitions.**

(21) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(A) An Indian tribe;

DOMESTIC MATTERS

DISSOLUTION OF MARRIAGE – PARENTAL RESPONSIBILITIES

ACTIONS ORIGINATING IN OTHER JURISDICTIONS

**CRS §14-11-101. Foreign decrees - how handled.**

(3) Notwithstanding the provisions of this article, a restraining or protection order issued by a court of any state, any Indian tribe, or any United States territory shall be enforced pursuant to section 13-14-104, C.R.S.

DOMESTIC MATTERS

DISSOLUTION OF MARRIAGE – PARENTAL RESPONSIBILITIES

UNIFORM CHILD ABDUCTION PREVENTION ACT

**CRS §14-13.5-102. Definitions.**

(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe or nation.

PROBATE, TRUSTS, AND FIDUCIARIES

COLORADO PROBATE CODE

ARTICLE 14 PERSONS UNDER DISABILITY - PROTECTION

PART 1 GENERAL PROVISIONS

**CRS §15-14-102. Definitions.**

(14) "Tribe" means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state.

PROBATE, TRUSTS, AND FIDUCIARIES  
COLORADO PROBATE CODE  
ARTICLE 14.5 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE  
PROCEEDINGS JURISDICTION ACT  
PART 1 GENERAL PROVISIONS  
**CRS §15-14.5-102. Definitions.**

(14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

CRIMINAL PROCEEDINGS  
POLICE OFFICERS

**CRS §16-2.5-106 – Southern Ute Indian police officer**

A Southern Ute Indian police officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

**CRS §16-2.5-107 –Ute Mountain Ute Indian police officer**

A Ute Mountain Ute Indian police officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

COURTS AND COURT PROCEDURE  
WARRANTS AND BONDS FOR PERSONS ILLEGALLY IN THE COUNTRY

**CRS §16-3-503. Bonds recovered for persons illegally in the country.**

(3) For purposes of this section, an identifying document includes the following:

(d) A valid native American tribal identification document with a photograph;

CORRECTIONS  
MISCELLANEOUS PROVISIONS

**CRS §17-42-102 - American Indians—freedom of worship**

The general assembly hereby finds, determines and declares that American Indian religions and religious beliefs pre-date the creation of the United States constitution; however, understanding of and respect for American Indian religious practices is not widespread among non-indigenous persons. The general assembly further finds that serious problems in the practice of religious freedom persist for the American Indian and particularly for American Indians who are incarcerated. Therefore, in order to protect this most basic freedom for American Indians who are incarcerated, traditional religious and ceremonial practices of American Indians should be permitted in correctional facilities to the extent that such practices do not impinge on the reasonable security interests of the correctional facilities to which such Indians are confined.



CRIMINAL CODE

ARTICLE 6 OFFENSES INVOLVING THE FAMILY RELATIONS

PART 8 DOMESTIC VIOLENCE

**CRS § 18-6-803.5. Crime of violation of a protection order - penalty - peace officers' duties.**

(8) A protection order issued in the state of Colorado shall contain a statement that:

(a) The order or injunction shall be accorded full faith and credit and be enforced in every civil or criminal court of the United States, another state, an Indian tribe, or a United States territory pursuant to 18 U.S.C. sec. 2265;

CRIMINAL CODE

MISCELLANEOUS OFFENSES

**CRS §18-13-109. Firing woods or prairie.**

(2) (a) Any person who knowingly violates paragraph (a) of subsection (1) of this section and who knows or reasonably should know that he or she violates any applicable order, rule, or regulation lawfully issued by a governmental authority that prohibits, bans, restricts, or otherwise regulates fires during periods of extreme fire hazard and that is designed to promote the safety of persons and property, commits a class 6 felony.

(b) The following activities shall not be offenses under this subsection (2):

(IV) Lawful activities conducted pursuant to rules, regulations, or policies adopted by the relevant state, tribal, or federal regulatory agency or agencies.

CHILDREN'S CODE

GENERAL PROVISIONS

**CRS §19-1-126 - Compliance with the federal "Indian Child Welfare Act".**

(1) Commencing thirty days after May 30, 2002, in each case filed pursuant to this title to which the terms of the federal "Indian Child Welfare Act", 25 U.S.C. sec. 1901, et seq., apply, including but not limited to certain juvenile delinquency proceedings, dependency or neglect proceedings, termination of parental rights proceedings, and pre-adoptive and adoption proceedings, the petitioning or filing party shall: ...

See also **CRS §19-1-103. Definitions.**

**CRS §19-2-513 Petition form and content.**

CHILDREN'S CODE

ARTICLE 3 DEPENDENCY AND NEGLECT

**CRS §19-3-205. Continuing jurisdiction.**

**CRS §19-3-212. Notice of rights and remedies for families.**

**CRS §19-3-502. Petition form and content - limitations on claims in dependency or neglect actions.**

**CRS §19-3-602. Motion for termination - separate hearing - right to counsel - no jury trial.**

**CRS §19-3-604. Criteria for termination.**

**CRS §19-3-608. Effect of decree.**

CHILDREN'S CODE

ARTICLE 3 RELINQUISHMENT AND ADOPTION

**CRS §19-5-103. Relinquishment procedure - petition - hearings.**

**CRS §19-5-208. Petition for adoption.**

EDUCATION

GENERAL PROVISIONS

**CRS §22-1-104 - Teaching of history, culture and civil government**

(2) ... the history and civil government of the United States, which includes the history, culture and contributions of minorities, including, but not limited to, the American Indians, the Hispanic Americans, and the African Americans, shall be taught in all the public schools of the state.

EDUCATION

DISTRICT BOARDS – POWER & DUTIES

**CRS §22-32-122 - Contract services, equipment, and supplies**

(1) Any school district has the power to contract with another district or with the governing body of a state college or university, with the tribal corporation of any Indian tribe or nation, with any federal agency or officer or any county, city, or city and county, or with any natural person, body corporate, or association for the performance of any service, including educational service, activity, or undertaking which any school may be authorized by law to perform or undertake.

EDUCATION

TEACHERS

ARTICLE 60.5. COLORADO EDUCATOR LICENSING ACT

PART 1. GENERAL PROVISIONS

**CRS 22-60.5-111. Authorization - types - applicants' qualifications - rules**

(1) Pursuant to the rules of the state board of education, the department of education may issue the authorizations specified in this section to persons of good moral character who meet the qualifications prescribed by this section and by the rules of the state board of education.

(15) Native American language and culture instruction authorization. (a) The department may issue a native American language and culture instruction authorization to an individual under the following circumstances:

(I) If the individual qualifies for an adjunct instructor authorization pursuant to subsection (2) of this section in the area of native languages; or

(II) If an individual cannot be identified who meets the criteria of subparagraph (I) of this paragraph (a), the employing school district may allow an individual to apply to the department for approval of a native American language and culture instruction authorization if the individual has demonstrated expertise in a native American language of a federally recognized tribe. The native American language and culture instruction

authorization shall allow the individual to teach the native American language in which he or she has demonstrated expertise for the employing school district. An individual authorized pursuant to this subparagraph (II) shall work in partnership with a licensed teacher who currently teaches world languages for the employing school district. The approval process for the native American language and culture instruction authorization shall be established by rule of the state board and shall include, at a minimum:

(A) A method to establish and document the expertise of the applicant in the native American language of a federally recognized tribe;

(B) The identification of the partnering licensed teacher;

(C) A requirement that the applicant meet any objective standards for language proficiency established by the state board;

(D) A prohibition on the applicant from teaching any subject other than the native American language for which he or she has demonstrated expertise; and

(E) A renewal process for the authorization.

(b) A native American language and culture authorization issued pursuant to paragraph (a) of this subsection (15) is valid for five years from the date of issuance. The department may renew the authorization for succeeding five-year periods upon the receipt of documented evidence that the person holding the authorization has completed any renewal requirements specified by rule by the state board of education.

(c) All laws and rules, including but not limited to [section 22-9-106](#) and any rules promulgated thereunder related to educator evaluation and effectiveness, shall apply to the individual holding an authorization pursuant to this subsection (15).

#### POSTSECONDARY TRAINING

#### COLORADO COMMISSION ON HIGHER EDUCATION

#### **CRS §23-1-113.5. Commission directive - resident admissions.**

(3) The provisions of subsection (1) of this section regarding the fraction of students who are in-state students at institutions of higher education do not apply to any native American student who attends Fort Lewis college. The calculation of the fraction of students at Fort Lewis college who are in-state students shall exclude any native American student attending the college.

#### HIGHER EDUCATION AND VOCATIONAL TRAINING

#### FORT LEWIS COLLEGE-GRAND JUNCTION SCHOOL

#### **CRS §23-52-101 through 113 - Fort Lewis College,**

#### **CRS §23-52-101. College established - role and mission - governance.**

(1) There is hereby established a college at Durango, to be known as Fort Lewis college, which shall be a public liberal arts college, with selective admission standards with a historic and continuing commitment to Native American education. In addition, the

college may offer professional programs and a limited number of graduate programs to serve regional needs. The center of southwest studies provides a valuable regional, national, and international resource.

**CRS §23-52-105. Tuition fees – Indians - repeal.**

HIGHER EDUCATION AND VOCATIONAL TRAINING  
FORT LEWIS COLLEGE

**CRS §23-52-114 - Hesperus account created**

The proceeds of or income from the property formerly known as the "Fort Lewis school", granted by the United States to the state of Colorado, pursuant to an act of congress approved April 4, 1910 (36 Stat. 274), as modified by an act of congress approved May 18, 1916 (39 Stat. 128), shall constitute a special account, which shall be known as the "Hesperus account". The income from said property and from the Hesperus account shall be appropriated by the general assembly and used by the board of trustees first for tuition waivers at Fort Lewis college for qualified Indian pupils. Any moneys remaining after such use shall be applied to such public purpose as may be determined by the board of trustees, subject to appropriation by the general assembly.

**CRS §§23-52-201 and 23-52-202. (Repealed)**

POSTSECONDARY TRAINING  
JUNIOR COLLEGES - ORGANIZATION

**CRS §23-71-122. Junior college board of trustees - specific powers - rules - definitions.**

(q) Contract with another junior college district or public school district or with the governing body of a state college or university, with the tribal corporation of any Indian tribe or nation, with any federal agency or officer or any county, city, or city and county, or with any natural person, body corporate, or association for the performance of any service, activity, or undertaking which any school may be authorized by law to perform or undertake. Such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial or otherwise, of the parties so contracting and shall provide that the service, activity, or undertaking be of comparable quality and meet the same requirements and standards as would be necessary if performed by the school district. A contract executed pursuant to this paragraph (q) may include, among other things, the purchase or renting of necessary building facilities, equipment, supplies, and employee services.

GOVERNMENT - STATE  
PRINCIPAL DEPARTMENTS  
PEACE OFFICERS STANDARDS AND TRAINING

**CRS §24-31-305. Certification - issuance - renewal - revocation.**

(b) The training required for basic certification may be obtained through a training program conducted by a training academy approved by the P.O.S.T. board or completion of requirements of another state, federal, or tribal jurisdiction having standards deemed at least equivalent to those established pursuant to this part 3.

GOVERNMENT - STATE  
PRINCIPAL DEPARTMENTS  
ARTICLE 32 DEPARTMENT OF LOCAL AFFAIRS  
PART 20 COLORADO YOUTH CONSERVATION AND SERVICE CORPS

**CRS §24-32-2002. Definitions.**

(11) "Program agency" means a federal or state agency designated to manage a youth corps program, the governing body of an Indian tribe that administers a youth corps program, or a community-based agency.

TITLE 24 GOVERNMENT - STATE  
PRINCIPAL DEPARTMENTS  
ARTICLE 33.5 PUBLIC SAFETY  
PART 3 COLORADO LAW ENFORCEMENT TRAINING ACADEMY

**CRS §24-33.5-314. Training - Southern Ute and Ute Mountain Ute Indian police officers. (Repealed)**

GOVERNMENT – STATE  
INDIAN AFFAIRS

**CRS §24-44-101 through 108 - Commission of Indian Affairs**

24-44-101. Legislative declaration

The general assembly finds and declares that the affairs of the two Indian tribes whose reservations are largely within the state of Colorado, the Southern Ute tribe and the Ute Mountain Ute tribe, include matters of state interest and that the state of Colorado recognizes the special governmental relationships and the unique political status of these tribes with respect to the federal government and, further, that it is in the best interest of all the people of Colorado that there be an agency providing an official liaison among all persons in both the private and public sectors who share a concern for the establishment and maintenance of cooperative relationships with and among the aforesaid tribes and Indian peoples.

24-44-102. Establishment of commission

There is hereby established in the office of the lieutenant governor the Colorado commission of Indian affairs, referred to in this article as the "commission".

24-44-103. Duties and powers of commission

(1) It is the duty of the commission:

- (a) To coordinate intergovernmental dealings between tribal governments and this state;
- (b) To investigate the needs of Indians of this state and to facilitate the provision of technical assistance in the preparation of plans for the alleviation of such needs;
- (c) To cooperate with and secure the assistance of the local, state, and federal governments or any agencies thereof in formulating and coordinating programs regarding Indian affairs adopted or planned by the federal government so that the full benefit of such programs will accrue to the Indians of this state;

- (d) To review all proposed or pending legislation affecting Indians in this state;
- (e) To study the existing status of recognition of all Indian groups, tribes, and communities presently existing in this state; and
- (f) To employ and fix the compensation of an executive director of the commission, who shall carry out the responsibilities of the commission.

(g) to (k) Repealed.

(2) The commission has the following powers:

- (a) To petition the general assembly for funds to effectively administer the commission's affairs and to expend funds in compliance with state regulations;
- (b) To accept and expend gifts, funds, grants, donations, bequests, and devises for use in furthering the purposes of the commission;
- (c) To contract with public or private bodies to provide services and facilities for promoting the welfare of Indian peoples;
- (d) To make legislative recommendations;
- (e) To form committees as needed to respond to and address the needs of tribal governments and Indian peoples of this state; and
- (f) To make and publish reports of findings and recommendations.

24-44-104. Membership - term of office - chairperson - compensation

(1) (a) The commission consists of the following eleven voting members:

- (I) The lieutenant governor;
- (II) The executive directors of:
  - (A) The department of human services;
  - (B) The department of public health and environment;
  - (C) The department of natural resources; and
  - (D) The department of local affairs;
- (III) Two official representatives each from Southern Ute and Ute Mountain Ute tribes; and

(IV) Two at-large members who shall be selected by the commission at its first meeting and triennially thereafter.

(b) The governor may, from time to time as he or she deems appropriate to respond to the needs of tribal governments and Indian peoples of the state, appoint representatives of federal, state, or local governmental agencies to serve as ex officio nonvoting members and representatives of nongovernmental entities that handle issues facing the tribes and Indian peoples of Colorado as nonvoting advisory members of the commission.

(c) The commission shall consult with other persons as it deems appropriate, including representatives of other principal departments of state government, political subdivisions, organizations with experience in American Indian legal matters, or other such entities.

(2) (a) Members serving by virtue of their office within state government may appoint a designee and shall serve so long as they hold that office. Members representing Ute Indian tribes shall be designated by their respective tribal governing bodies. Members appointed pursuant to paragraph (b) of subsection (1) of this section serve as long as they hold the position in the governmental agency or nongovernmental entity they held when originally appointed.

(b) The lieutenant governor shall serve as chairperson of the commission and shall, subject to [section 24-44-105](#) and the ratification of a majority of the voting members of the commission, appoint an executive director.

(3) Commission members shall not be compensated for their services rendered for the commission.

#### 24-44-105. Executive director

The commission may employ an executive director to carry out the day-to-day responsibilities and business of the commission. The executive director is an ex officio member of the commission and must be an enrolled member of a federally recognized Indian tribe.

#### 24-44-106. Meetings - quorum - proxy vote prohibited

(1) The commission shall meet quarterly and at any other such time as it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the voting members of the commission. Ten days' notice shall be given in writing prior to the meeting date.

(2) Two voting Indian members of the commission and two voting members serving by virtue of their office within state government constitute a quorum.

(3) Proxy voting is not permitted.

#### 24-44-107. Reports. (Repealed)

24-44-108. Fiscal records

The executive director or his or her designee shall keep fiscal records, which records are subject to annual audit by the state auditor. The audit reports shall become a part of the annual report and shall be submitted in accordance with the regulations governing preparation and submission of the annual report.

GOVERNMENT – STATE

OTHER AGENCIES

ARTICLE 49.5 MINORITY BUSINESS OFFICE

**CRS §24-49.5-103. Authority and responsibility of the director.**

(3) The director shall develop and implement performance and accountability standards. Such standards shall include, but shall not be limited to, the following:

(b) The number of businesses by race and ethnicity including the protected groups known as African Americans, Hispanic Americans, Asian Americans, native Americans, and any other minority ethnic groups assisted by the office and the actual moneys associated therewith;

GOVERNMENT – STATE

OTHER AGENCIES

ARTICLE 49.5 MINORITY BUSINESS OFFICE

**CRS §24-49.5-105. Historically underutilized businesses - legislative declaration - definitions.**

(1) The general assembly hereby finds and declares that:

(a) Businesses owned by minorities and women are among the fastest growing in the state but are historically underutilized in government contracts.

(b) Securing government procurement contracts is a major determinant in the success of businesses owned by minorities and women.

(c) The owners of historically underutilized businesses can benefit from surety technical assistance programs that help those businesses qualify for the performance bonds that are required for businesses to bid on public projects.

(d) It is the intent of the general assembly to assist historically underutilized businesses by creating a surety technical assistance program.

(2) In addition to the responsibilities of the director of the minority business office specified in section 24-49.5-103, the director shall establish a program to provide surety technical assistance services for the benefit of historically underutilized businesses and may contract with insurance companies, surety companies, agents, or brokers for the purpose of implementing the program.

(3) The director of the minority business office shall compile a centralized directory of all historically underutilized businesses that have obtained the contract performance and payment bonds required in order to be awarded a government procurement contract. The director shall ensure that the directory is accessible to governmental entities that enter into procurement contracts.

(4) As used in this section, unless the context otherwise requires, "historically underutilized business" means an entity that qualifies as a small business pursuant to 13 CFR 121 and that is a profit-making corporation, sole proprietorship, partnership, or joint venture in which more than fifty percent of the shares of stock or other equitable



securities are owned by one or more persons who are members of the following groups:

- (a) African American;
- (b) Hispanic American, including but not limited to all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (c) Asian American, including but not limited to persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, the United States territories of the Pacific, or the Northern Mariana Islands; and subcontinent Asian American, including but not limited to persons whose origins are from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, or Nepal;
- (d) Native American, including but not limited to persons who are American Indians, Eskimos, Aleuts, or Hawaiians of Polynesian descent; or
- (e) Women, including women of any group specified in paragraphs (a) to (d) of this subsection (4).

#### GOVERNMENT-STATE

#### INTERSTATE COMPACTS AND AGREEMENTS

**CRS §24-61-102. Taxation compact between the Southern Ute Indian tribe, La Plata county, and the state of Colorado.**

**CRS §24-61-101. Compact as basis for payments - legislative declaration.**

**CRS §24-61-102. Taxation compact between the Southern Ute Indian tribe, La Plata county, and the state of Colorado.**

**CRS §24-61-103. Compact to be ratified.**

**CRS §24-61-201. Legislative declaration.**

**CRS §24-61-202. La Plata county to establish fund - requirements.**

#### GOVERNMENT - STATE

#### HEALTH

**CRS §24-62-101 - Intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado concerning air quality control on the Southern Ute Indian reservation.**

**CRS §24-62-102. Legislative declaration.**

#### GOVERNMENT - STATE

#### ELECTRONIC TRANSACTIONS

#### ARTICLE 71.3 UNIFORM ELECTRONIC TRANSACTIONS ACT

**CRS §24-71.3-102. Definitions.**

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, that is recognized by federal law or formally acknowledged by a state.

GOVERNMENT – STATE  
RESTRICTIONS ON PUBLIC BENEFITS

**CRS §24-76.5-103. Verification of lawful presence - exceptions - reporting - rules.**

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state or local public benefits by requiring the applicant to:

(a) Produce:

(IV) A Native American tribal document;

GOVERNMENT – STATE  
UNMARKED HUMAN GRAVES

**CRS §24-80-1301 Definitions.**

As used in this part 13, unless the context otherwise requires:

(1) "Commission" means the commission of Indian affairs.

GOVERNMENT – STATE  
UNMARKED HUMAN GRAVES

**CRS §24-80-1302. Discovery of human remains.**

(4) (a) If the on-site inquiry discloses that the human remains are native American, the state archaeologist shall notify the commission.

GOVERNMENT – STATE  
UNMARKED HUMAN GRAVES

**CRS §24-80-1303. Discovery of human remains during an anthropological investigation.**

(a) If it is determined that the human remains are of an individual who has been dead less than one hundred years, the anthropologists shall notify the coroner of the discovery and shall offer an opinion as to the forensic significance of the human remains. The coroner shall respond to such notification within twenty-four hours, during which time all activity which could disturb such human remains shall cease. If, on the basis of the anthropologists' opinion or on an independent on-site inquiry, the coroner determines that the human remains are of no forensic significance, the anthropologists shall notify either the state archaeologist, if the human remains are those of a native American, or the Colorado state anatomical board, if the human remains are those of a human being who was not a native American.

(b) If it is determined that the skeletal remains are human remains but of an individual who has been dead for more than one hundred years, notwithstanding the provisions of section 30-10-606 (1.2), C.R.S., the anthropologists need not notify the coroner but shall notify either the state archaeologist, if the human remains are those of a native American, or the Colorado state anatomical board, if the remains are of a nonnative American.

(3) Upon notification by the anthropologists of the discovery of the human remains of a native American, the state archaeologist shall notify the commission and shall thereafter proceed in accordance with the provisions of section 24-80-1302 (4).

GOVERNMENT - STATE  
LIBRARIES

PART 1 LIBRARY LAW

**CRS §24-90-103 Definitions.**

(19) "Special library" means a library established and maintained primarily for the use of a specialized population, including libraries operated by an Indian tribe having a reservation in this state; except that, where the specialized population that is an Indian tribe having a reservation in this state requests classification of a library established and maintained for its use as a public library and the library satisfies the definition of a public library as specified in subsection (13) of this section, the library shall be treated as a public library for purposes of this article.

HEALTH

DISEASE CONTROL

HEALTH DISPARITIES GRANT

**CRS §25-4-2201. Legislative declaration.**

(1) The general assembly hereby finds that:

(a) Although Colorado as a whole is a healthy state, African Americans, Hispanics, and Native Americans, who represent over twenty-five percent of the population, are disproportionately impacted by disease, injury, disability, and death;

**CRS §25-4-2206. Minority health advisory commission - creation - repeal.**

HEALTH CARE POLICY AND FINANCING

COLORADO MEDICAL ASSISTANCE ACT

SERVICES WITH SPECIAL STATE PROVISIONS

**CRS §25.5-5-314. Substance abuse treatment for native Americans - federal approval - repeal.**

**CRS §25.5-5-315. Acceptance of gifts, grants, and donations - native American substance abuse treatment cash fund - repeal.**

HEALTH

AIR QUALITY CONTROL

PREVENTION OF SIGNIFICANT DETERIORATION PROGRAM

**CRS §25-7-208. Area designations.**

(2) To the extent permitted by section 164 of the federal act, the commission may redesignate any area in the state as a Class I, Class II, or Class III area. The commission shall promulgate rules and regulations in conformity with article 4 of title 24, C.R.S., establishing the procedures for such redesignations; except that:

(c) All redesignations, except any established by an Indian governing body, shall be specifically approved by the governor, after consultation with the appropriate committees of the general assembly if it is in session or with the leadership of the general assembly if it is not in session, and by resolutions or ordinances enacted by the general purpose unit of local government representing a majority of the residents of the area to be redesignated;

HEALTH

AIR QUALITY CONTROL

**CRS §25-7-1301 through 1309 - The Southern Ute Indian Tribe/State of Colorado Environmental Commission**

**CRS §25-7-1301 Legislative declaration.**

(1) The general assembly hereby finds and declares that:

(a) The Southern Ute Indian tribe and the state of Colorado have entered into an intergovernmental agreement, as set forth in House Bill 00-1324, enacted at the second regular session of the sixty-second general assembly and found at 24-62-101, C.R.S.;

(1)(b) Pursuant to said intergovernmental agreement, the tribe and the state have agreed to create a tribal/state environmental commission with the authority to promulgate rules and regulations for one air quality program for all lands, all persons, and all air pollution sources within the exterior boundaries of the Southern Ute Indian Reservation.

**CRS §25-7-1302. Definitions.**

**CRS §25-7-1303. Southern Ute Indian tribe/state of Colorado environmental commission created.**

**CRS §25-7-1304. Commission - powers and duties - rules.**

**CRS §25-7-1305. Administration of reservation air program.**

**CRS §25-7-1306. Agencies of state to cooperate.**

**CRS §25-7-1307. Funding for staff and program costs.**

**CRS §25-7-1308. Administrative and judicial review of commission actions.**

**CRS §25-7-1309. Repeal of part**

HEALTH

ENVIRONMENTAL CONTROL

WATER QUALITY CONTROL

GENERAL PROVISIONS

**CRS §25-8-103. Definitions.**

(11) "Municipality" means any regional commission, county, metropolitan district offering sanitation service, sanitation district, water and sanitation district, water conservancy district, metropolitan sewage disposal district, service authority, city and county, city, town, Indian tribe or authorized Indian tribal organization, or any two or more of them which are acting jointly in connection with a sewage treatment works.

HUMAN SERVICES

COLORADO WORKS PROGRAM

**CRS §26-2-703 Definitions.**

(11) "Indian tribe" means a federally recognized Indian tribe with part or all of its reservation located in the state of Colorado.

(18) "Reservation" means the Ute Mountain Ute Indian Reservation and the Southern Ute Indian Reservation in Colorado.

(20) "Tribal member" means an enrolled member of either the Ute Mountain Ute or Southern Ute Indian tribes.

**CRS §26-2-716. County duties - appropriations - penalties - hardship extensions - domestic violence extensions - incentives - rules.**

(7) A county that encompasses an Indian reservation shall consult with the respective Indian tribe concerning the administration and implementation of the works program by that county. Such consultation shall include but not be limited to:

(a) Possible exemption of the Indian tribe from the sixty-month time limit of the federal law if that tribe has more than one thousand members and an unemployment rate that exceeds fifty percent;

(b) Collection of statistical data on participants, funding for tribal data collection and tribal administration of federally and tribally funded programs;

(c) Cooperation and agreement concerning when a tribal member shall be referred to his or her respective tribe for assistance in finding work and how the costs for such assistance may be reimbursed by or otherwise shared with the county.

**BEHAVIORAL HEALTH**

**MENTAL HEALTH**

**INTEGRATED SYSTEM OF CARE FAMILY ADVOCACY DEMONSTRATION PROGRAMS FOR MENTAL HEALTH JUVENILE JUSTICE POPULATIONS**

**CRS §27-69-104. Program scope.**

(2) The unit shall accept responses to the request for proposals from a partnership between a family advocacy organization and any of the following entities or individuals that operate or are developing a family advocacy program:

(c) A tribal government;

**BEHAVIORAL HEALTH**

**ALCOHOL AND DRUG ABUSE**

**CRS §27-80-101. Definitions.**

(5) "Public program" means a program concerning the problems of alcohol or drug abuse sponsored by a county, district, or municipal public health agency, county department of social services, court, probation department, law enforcement agency, school, school system, board of cooperative services, Indian tribal reservation, or state agency. "Public program" includes any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult parole under article 2 of title 17, C.R.S., any community correctional facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

**BEHAVIORAL HEALTH**

**ALCOHOL AND DRUG ABUSE**

**CRS §27-80-106. Purchase of prevention and treatment services.**

(1) Using funds appropriated for purposes of this section or available from any other governmental or private source, the unit may purchase services for prevention or for treatment of alcohol and drug abuse or both types of services on a contract basis from any tribal nation or any public or private agency, organization, or institution approved by the unit. The services purchased may be any of those which may be provided through a

public program, as set forth in section 27-80-103 (2). In contracting for services, the unit shall attempt to obtain services that are in addition to, and not a duplication of, existing available services or services that are of a pilot or demonstration nature. Any agency operating a public program may also purchase such services on a contract basis.

BEHAVIORAL HEALTH  
ALCOHOL AND DRUG ABUSE

**CRS § 27-80-109. Coordination of state and federal funds and programs.**

(2) The unit shall also review applications for federal grants for alcohol and drug abuse programs submitted by any department or agency of state government, by any political subdivision of the state, by any Indian tribal reservation, or by any other public or private agency, organization, or institution. The unit shall transmit to the division of planning and to the appropriate United States agency its comments and recommendations, together with a statement as to whether the grant would be consistent with the comprehensive state plan for alcohol and drug abuse programs.

GOVERNMENTAL - LOCAL  
GENERAL PROVISIONS  
BUDGET AND SERVICES  
INTERGOVERNMENTAL RELATIONS

**CRS §29-1-202. Definitions.**

As used in this part 2, unless the context otherwise requires:

(1) "Government" means any political subdivision of the state, any agency or department of the state government or of the United States, a federally recognized tribal entity, and any political subdivision of an adjoining state.

GOVERNMENTAL - LOCAL  
WILDLAND FIRE PLANNING

**CRS §29-22.5-101. Legislative declaration.**

(c) The national incident management system provides a consistent, nationwide template enabling federal, state, tribal, and local governments, the private sector, and nongovernmental organizations to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of all incidents regardless of type, cause, size, location, or complexity, and should be the foundation for the management of wildland fire incidents;

GOVERNMENT – MUNICIPAL  
POWERS AND FUNCTIONS OF CITIES AND TOWNS  
POLICE REGULATIONS

**CRS §31-15-401. General police powers.**

(II) Nothing in this paragraph (q) shall be construed to preempt or supercede state, tribal, or federal law concerning the control, limitation, or other regulation of fires described in this paragraph (q).

WILDLIFE AND PARKS AND OUTDOOR RECREATION  
AQUATIC NUISANCE SPECIES

**CRS §33-10.5-107. Board to promulgate rules.**

(1) The board is authorized to promulgate rules pursuant to article 4 of title 24, C.R.S., as necessary to prevent, control, contain, monitor, and, whenever possible, eradicate aquatic nuisance species. In promulgating such rules, the board shall consult with the commission and any affected state, federal, and tribal governmental entities and subdivisions thereof, including, but not limited to, special districts, water conservancy districts, and water supply agencies.

MINERAL RESOURCES

SURFACE COAL MINING RECLAMATION ACT

**CRS §34-33-101 through 137 - Colorado Surface Coal Mining Reclamation Act**

**CRS §34-33-102 Legislative declaration.**

It is declared to be the policy of this state that surface coal mining operations and the reclamation of land affected by such operations are both necessary and proper activities. The purpose of this article is to assure that the coal required for local and national energy needs and for economic and social well-being is provided and to provide a balance among the protection of the environment, agricultural productivity, and the need for coal as an essential source of energy. It is the intent of the general assembly by the enactment of this article to allow for the continued development of the surface coal mining operations in this state, while requiring those persons involved in surface coal mining operations to reclaim land affected by such operations as contemporaneously as possible with the surface coal mining operations so that the affected land may be put to a beneficial use. It is the further intent of the general assembly by the enactment of this article to protect society and the environment from the adverse effects of surface coal mining operations, assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations; assure that surface coal mining operations are not conducted where reclamation as required by this article is not feasible; and to assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the state under this article. It is the further intent of the general assembly to promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this article and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public, to aid in the protection of wildlife and aquatic resources, and to protect and promote the health, safety, and general welfare of the people of this state. It is the intent of the general assembly that, in the administration of this article, the small operator be assisted in complying with the provisions of this article, particularly in the areas of bonding, technical and administrative assistance, and timely processing of permit applications.

MINERAL RESOURCES  
OIL AND NATURAL GAS  
CONSERVATION AND REGULATION  
OIL AND GAS CONSERVATION

**CRS §34-60-122. Expenses - fund created.**

(4) The charge imposed by subsection (1) of this section shall not apply to the interest in any oil or gas or the proceeds therefrom of the following:

(c) Any Indian or Indian tribe on production from land subject to the supervision of the United States.

AGRICULTURE  
PEST AND WEED CONTROL  
COLORADO NOXIOUS WEED ACT

**CRS §35-5.5-103. Definitions.**

As used in this article, unless the context otherwise requires:

(10) "Landowner" means any owner of record of federal, tribal, state, county, municipal, or private land.

AGRICULTURE  
RODENT & PREDATORY ANIMAL-CONTROL

**CRS §35-7-106 - Government lands**

On lands which are a part of any national forest, Indian reservation, or other national reserve or public domain of the United States, or of any state reservation, or of any unoccupied or leased state lands, the control of rodent pests shall be carried on so far as possible at the expense of the federal government on federal lands and at the expense of the state government on unoccupied or leased state lands with such cooperation with occupants, lessees, licensees, or adjacent landowners as may be available.

NATURAL RESOURCES  
PUBLIC LANDS AND RIVERS  
STATE LANDS  
DESERT LANDS

**CRS §36-3-104. Control of land - Carey act fund.**

The selection, management, and disposal of the land and all such lands as may be granted on or after June 1, 1911, to the state by the United States shall be vested in the state board of land commissioners as constituted, and that board is empowered to accept all moneys upon the part of the state from the purchasers of the land, and to place the same in a fund to be designated as the "Carey act fund", and to disburse the same as provided in this section. It is empowered to accept from the settlers, filing on lands under the provisions of the acts within the former Southern Ute and Ute Indian reservations, as defined in the amendatory acts of congress of March 1, 1907, and February 24, 1909, the sum of one dollar and twenty-five cents per acre for each acre thereof to be patented and to pay the same into the treasury of the United States. The board is authorized to accept any future grants of such lands by the United States to this state and to agree to and accept on behalf of the state any conditions that may be imposed by the United States in relation thereto.



WATER AND IRRIGATION  
COLORADO WATER CONSERVATION BOARD  
GENERAL PROVISIONS

**CRS §37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created.**

(7) As of July 1, 1988, the state treasurer and the controller shall transfer the five million dollars specified in paragraph (a) of subsection (6) of this section to the water rights final settlement fund, which fund is hereby created. The moneys transferred to the water rights final settlement fund are hereby continuously appropriated to the board solely for the purpose of providing moneys for the tribal development funds for the Southern Ute Indian tribe and the Ute Mountain Ute Indian tribe as provided for in the Colorado Ute Indian water rights final settlement agreement of December 10, 1986. Interest earned from the investment of the moneys in such fund prior to its deposit in the tribal development funds shall be credited to the Colorado water conservation board construction fund and to the Colorado water resources and power development authority at the end of each fiscal year. Of such interest, fifty percent shall be credited to the Colorado water conservation board construction fund and fifty percent shall be transferred to the Colorado water resources and power development authority. The board shall deposit the moneys from the water rights final settlement fund in the tribal development funds, as provided for in the settlement agreement, no later than thirty days after the deposit of federal moneys in such funds as required by the settlement agreement; except that no such moneys shall be available for disbursement from the tribal development funds until such time as the final consent decree contemplated by the settlement agreement is entered; and, except that if such final consent decree is not entered by December 31, 1991, then the moneys so deposited shall be returned, together with the interest earned thereon, to the water rights final settlement fund. If the first installment of federal moneys is not deposited in the tribal development funds before June 1, 1990, or if the state's moneys have been returned from the tribal development funds to the water rights final settlement fund because the final consent decree is not entered by December 31, 1991, then the board shall transfer fifty percent of the moneys in the water rights final settlement fund to the Colorado water resources and power development authority and fifty percent of the moneys in the water rights final settlement fund to the Colorado water conservation board construction fund.

WATER AND IRRIGATION

**CRS §37-61-101. Colorado River compact.**

Article VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

WATER AND IRRIGATION

**CRS §37-62-101. Upper Colorado River compact.**

Article XIV

(c) The uses of the waters of the San Juan river and any of its tributaries within either state which are dependent upon a common source of water and which are not covered by

(a) hereof, shall in times of water shortages be reduced in such quantity that the resulting consumptive use in each state will bear the same proportionate relation to the consumptive use made in each state during times of average water supply as determined by the commission; provided, that any preferential uses of water to which Indians are entitled under article XIX shall be excluded in determining the amount of curtailment to be made under this paragraph.

#### WATER AND IRRIGATION

#### **CRS §37-66-101. Rio Grande River compact.**

##### Article XVI

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Mexico under existing treaties, or to the Indian tribes, or as impairing the rights of the Indian tribes.

#### WATER AND IRRIGATION

#### **CRS §37-90-103. Definitions - repeal.**

(10.9) "Oil and gas well" means a well permitted by the Colorado oil and gas conservation commission or a well authorized by a federal or tribal entity for the primary purpose of mining, including exploration or production, of petroleum products.

#### TAXATION

#### WATER AND IRRIGATION

#### WATER RIGHT DETERMINATION AND ADMINISTRATION

#### GENERAL

#### **CRS §37-92-103. Definitions.**

As used in this article, unless the context otherwise requires:

(5.5) "Coal bed methane well" means a well permitted by the Colorado oil and gas conservation commission or a well authorized by a federal or tribal entity and constructed for the primary purpose of producing methane gas from a coal bed.

#### TAXATION

#### PROPERTY TAX

#### DIVISION OF PROPERTY TAXATION – ADMINISTRATOR – BOARD

#### **CRS §39-2-109. Duties, powers, and authority.**

(1) It is the duty of the property tax administrator, and the administrator shall have and exercise authority:

(l) To resolve valuation disputes concerning property or property interests owned or held by the Southern Ute Indian tribe as provided in the taxation compact set forth in section 24-61-102, C.R.S.;

#### TAXATION

#### PROPERTY TAX

#### VALUATION AND TAXATION

#### VALUATION OF OIL AND GAS LEASEHOLDS AND LANDS

#### **CRS §39-7-101. Statement of owner or operator.**

(1) Every operator of, or if there is no operator, every person owning any oil or gas leasehold or lands within this state, either as a single lease or as a unit, which leaseholds or lands are producing or are capable of producing oil or gas on the assessment date of any year, shall, no later than the fifteenth day of April of each year, prepare, sign under the penalty of perjury in the second degree, and file in person or by mail with the assessor of the county wherein such oil and gas leaseholds or lands are located a statement for such lease or unit, on a form prescribed by the administrator, showing:

(c) The number of barrels of oil, or the quantity of gas measured in thousands of cubic feet, sold or transported from the premises during the calendar year immediately preceding, after separately reporting the number of barrels of oil, or the quantity of gas measured in thousands of cubic feet, delivered to the United States government or any agency thereof, the state of Colorado or any agency or political subdivision thereof, or any Indian tribe as royalty during the calendar year immediately preceding;

## UTILITIES

### PUBLIC UTILITY COMMISSION

#### RENEWABLE ENERGY STANDARD

#### **CRS §40-2-124. Renewable energy standard - definitions - net metering - legislative declaration.**

(VI) Each kilowatt-hour of electricity generated from eligible energy resources at a community-based project shall be counted as one and one-half kilowatt-hours. For purposes of this subparagraph (VI), "community-based project" means a project located in Colorado:

(A) That is owned by individual residents of a community, by an organization or cooperative that is controlled by individual residents of the community, or by a local government entity or tribal council;

## VEHICLES AND TRAFFIC

### DRIVERS' LICENSES

#### **CRS §42-2-125.6 – Revocation of license based on administrative actions taken under tribal law – repeal.**

(2) (III) (b) In enacting this section, the general assembly intends to provide safety for all persons using the highways of the state by authorizing a process whereby the state shall revoke the Colorado driving privileges of a person after the tribe has entered a final order under the tribal code revoking the reservation driving privileges of that person, in a manner similar to how the state revokes the state driving privileges of a Colorado licensee whose driving privileges are revoked for an action occurring and adjudicated in a foreign jurisdiction.

## VEHICLES AND TRAFFIC

### DRIVERS' LICENSES

#### **CRS §42-2-126.5. Revocation of license based on administrative actions taken under tribal law - repeal.**

VEHICLES AND TRAFFIC  
DRIVERS' LICENSES

**CRS §42-2-127. Authority to suspend license - to deny license - type of conviction - points.**

(6) (a) "Convicted" and "conviction", as used in this section, include conviction in any court of record or municipal court, or by the Southern Ute Indian tribal court, or by any military authority for offenses substantially the same as those set forth in subsection (5) of this section which occur on a military installation in this state and also include the acceptance and payment of a penalty assessment under the provisions of section 42-4-1701 or under the similar provisions of any town or city ordinance and the entry of a judgment or default judgment for a traffic infraction under the provisions of section 42-4-1701 or 42-4-1710 or under the similar provisions of any municipal ordinance.

VEHICLES AND TRAFFIC  
LICENSE PLATES

**CRS §42-3-217 – Special Plates – Colorado commission of Indian affairs.**

(1) The department shall issue one or more sets of special license plates to applicants under this section for passenger cars, motorcycles, or trucks that do not exceed sixteen thousand pounds empty weight. The American Indian special license plate shall not be issued for motorcycles until January 1, 2007.

TRANSPORTATION  
GENERAL AND ADMINISTRATIVE  
THE HIGHWAY LAW

**CRS §43-1-220. Sources of funds - assumption of obligations.**

(c) (I) The limited gaming fund. The receipts from the limited gaming fund shall be segregated from other receipts paid into the state highway fund.

(III) For purposes of this paragraph (c), "limited gaming community" means any town, city, or unincorporated portion of a county or any Indian lands where limited gaming is authorized, and "proposed or anticipated transportation needs" includes but is not limited to the acquisition of rights-of-way and easements for the construction, improvement, repair, and maintenance of public roads and highways.

**Constitution of the State of Colorado**  
**Article XVIII Miscellaneous**  
**Section 9. Limited gaming permitted.**

(e) Nothing contained in this subsection (6) shall be construed to affect the authority granted upon the initial adoption of this section at the 1990 general election, or the conduct and regulation of gaming on Indian reservations pursuant to federal law.

**Enabling Act of Colorado**

**Editor's note:** The following act of March 3, 1875, is found at 18 Stat. 474.

**AN ACT TO ENABLE THE PEOPLE OF COLORADO TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF THE SAID STATE INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES.**

**§ 4. Constitutional convention - requirements of constitution.** That the members of the convention thus elected shall meet at the capital of said territory, on a day to be fixed by said governor, chief justice, and United States attorney, not more than sixty days subsequent to the day of election, which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of this act, and after organization, shall declare, on behalf of the people of said territory, that they adopt the constitution of the United States; whereupon the said convention shall be and is hereby authorized to form a constitution and state government for said territory; provided, that the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the constitution of the United States and the principles of the declaration of independence; and, provided further, that said convention shall provide by an ordinance irrevocable without the consent of the United States and the people of said state; first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property, on account of his or her mode of religious worship; secondly, that the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without said state shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased by the United States.