

Urban Indians May Benefit from Colorado Law Changes to Colorado Commission of Indian Affairs, 2013

A 37-year-old statute has dictated the relationship between Colorado's government and the state's Native residents, while never fully addressing the concerns of today's growing urban Indian population. That gap could soon be filled if the state's government-to-government law is updated to include contemporary voices.

Revisions to the existing law are before the current session of the state legislature, where approval is expected.

Under the present law, the Colorado Commission of Indian Affairs (CCIA) is charged with formal relations among sovereigns—the state itself and the two Ute tribal nations within its present borders. The CCIA, which helped to draft the proposed changes, would continue its formal role but could also tackle urban Native issues, primarily through powers of expanded consultation and public awareness promotion.

Native education inequity, homelessness, addiction, incarceration, poverty and other often-urban conditions surfaced in fact-finding conducted by the CCIA last November, when it was learned that, for example, though Native people are 1.2 percent of the state's population they are about 10 percent of the homeless and 20 percent of those repeatedly jailed.

Updating the CCIA's role depends on expanding input beyond that of four state departments—social services, health, natural resources and local affairs – empowered in the 1976 statute.

Wider representation from people involved in CCIA and urban issues would “ensure their voices are at the table when the [CCIA] moves forward,” said Colorado Lt. Gov. Joseph Garcia, CCIA chairman and head of the state department of education. “We need to cast a wide net,” said CCIA executive secretary Ernest House Jr., Ute Mountain Ute.

<http://indiancountrytodaymedianetwork.com/2013/03/12/urban-indians-may-benefit-colorado-laws-changes-148121>

COLORADO REVISED STATUTES
TITLE 24. GOVERNMENT - STATE
OTHER AGENCIES
ARTICLE 44. 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