

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-0626.01 Jery Payne x2157

HOUSE BILL 23-1066

HOUSE SPONSORSHIP

Bradley,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING AN INDIVIDUAL TO MOVE BETWEEN TWO**
102 **ADJACENT PARCELS OF PUBLIC LAND THAT TOUCH AT THE**
103 **CORNERS, AND, IN CONNECTION THEREWITH, CREATING A TASK**
104 **FORCE TO STUDY THE ISSUE OF ACCESS TO PUBLIC LANDS THAT**
105 **ARE BLOCKED BY PRIVATELY OWNED LANDS AND MAKING AN**
106 **APPROPRIATION.**

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://leg.colorado.gov>.)

Section 1 of the bill authorizes an individual to move from one

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

corner of public land to another corner of public land where 2 public parcels meet 2 private parcels and share a common border, without being liable for criminal or civil trespass, if:

- 2 parcels of public land touch so that the individual can reasonably step from one parcel of public land to the other parcel of public land, or if there's a fence, could make the step as if there were not a fence;
- The individual moves over private land only as much as necessary to cross from one parcel of public land to the other;
- The individual does not step on or stand on the privately owned land or touch a fence on or other improvement to the privately owned land, but the individual may use mechanical means to move over the privately owned land; and
- The individual does not use a vehicle other than a wheelchair to cross over the private land.

This authorization does not apply to the following:

- Moving over an improvement to public land that is designed to be occupied by individuals;
- Entering public land to use it in a way that violates the law;
- Moving over public land that the governing entity has prohibited the general public from entering or has controlled access to.

Section 1 also prohibits a landowner from erecting an improvement to such a corner that is more than 54 inches high within 4 feet of the corner.

Section 2 requires a court to dismiss a trespass tort if the defendant has complied with **section 1**. A successful defendant is awarded costs, including attorney fees.

Section 3 instructs the parks and wildlife commission to promulgate rules codifying the actions allowed in **section 1**. The division of parks and wildlife will publicize the rules.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 33-1-127** as
3 follows:

4 **33-1-127. Public land access task force - report - definitions -**
5 **repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

1 (a) "PRIVATELY OWNED LAND" MEANS REAL PROPERTY NOT
2 OWNED BY A GOVERNMENT ENTITY.

3 (b) (I) "PUBLIC LAND" MEANS REAL PROPERTY OWNED BY A
4 GOVERNMENT ENTITY.

5 (II) "PUBLIC LAND" DOES NOT INCLUDE STATE TRUST LAND OR
6 LAND UNDER THE CONTROL OF THE STATE BOARD OF LAND
7 COMMISSIONERS.

8 (c) "TASK FORCE" MEANS THE PUBLIC LAND ACCESS TASK FORCE
9 CREATED IN SUBSECTION (2) OF THIS SECTION.

10 (2) THERE IS HEREBY CREATED IN THE DIVISION THE PUBLIC LAND
11 ACCESS TASK FORCE TO STUDY THE ISSUE OF ACCESS TO PUBLIC LAND
12 THAT SHARES A BORDER WITH PUBLIC LAND BUT TO WHICH ACCESS IS
13 BLOCKED BY PRIVATELY OWNED LAND.

14 (3) (a) THE TASK FORCE CONSISTS OF NINE MEMBERS APPOINTED
15 BY THE DIRECTOR, AS FOLLOWS:

16 (I) ONE NONVOTING, EX OFFICIO MEMBER WHO REPRESENTS THE
17 DIVISION;

18 (II) ONE MEMBER WHO REPRESENTS A STATEWIDE HUNTING
19 ORGANIZATION;

20 (III) ONE MEMBER WHO REPRESENTS A STATEWIDE AGRICULTURAL
21 ORGANIZATION;

22 (IV) ONE MEMBER WHO IS A LAWYER WHO PRACTICES CIVIL
23 LITIGATION IN THE AREA DESCRIBED IN SUBSECTION (8)(a) OF THIS
24 SECTION;

25 (V) ONE MEMBER WHO IS AN OUTDOOR RECREATIONAL
26 ENTHUSIAST;

27 (VI) TWO MEMBERS WHO REPRESENT OWNERS OF PRIVATELY

1 OWNED LAND THAT BLOCKS ACCESS TO PUBLIC LAND;

2 (VII) ONE MEMBER WHO REPRESENTS A STATEWIDE OUTDOOR
3 RECREATIONAL ASSOCIATION; AND

4 (VIII) ONE MEMBER WHO IS A HUNTER OR ANGLER.

5 (b) THE DIRECTOR SHALL MAKE THE INITIAL APPOINTMENTS TO
6 THE TASK FORCE NO LATER THAN OCTOBER 1, 2023.

7 (c) THE DIRECTOR SHALL INVITE A REPRESENTATIVE OF THE
8 UNITED STATES BUREAU OF LAND MANAGEMENT IN THE DEPARTMENT OF
9 THE INTERIOR TO BE A MEMBER OF THE TASK FORCE.

10 (d) AN APPOINTED MEMBER WHO CANNOT ATTEND A MEETING MAY
11 DESIGNATE A PERSON TO REPRESENT THE MEMBER FOR THE MEETING.

12 (4) EACH MEMBER OF THE TASK FORCE WHO IS APPOINTED IN
13 ACCORDANCE WITH THIS SECTION SERVES AT THE PLEASURE OF THE
14 DIRECTOR.

15 (5) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT
16 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES FROM THE
17 STATE; EXCEPT THAT MEMBERS WHO ARE STATE EMPLOYEES MAY BE
18 COMPENSATED AS STATE EMPLOYEES.

19 (6) (a) THE EXECUTIVE DIRECTOR SHALL ORGANIZE AND CALL THE
20 FIRST MEETING OF THE TASK FORCE BY OCTOBER 15, 2023.

21 (b) THE TASK FORCE SHALL ELECT A CHAIR WHO IS NOT A STATE OR
22 FEDERAL EMPLOYEE FROM AMONG ITS MEMBERS.

23 (c) THE TASK FORCE SHALL MEET AS OFTEN AS NECESSARY, AS
24 DETERMINED BY THE CHAIR, TO COMPLETE ITS DUTIES.

25 (7) THE TASK FORCE MAY SEEK INFORMATION AND OPINIONS FROM
26 RELEVANT GOVERNMENT AGENCIES AND INTERESTED INDIVIDUALS,
27 BUSINESSES, GROUPS, AND ASSOCIATIONS.

1 (8) THE TASK FORCE SHALL:
2 (a) STUDY THE ISSUE OF PRIVATELY OWNED LAND BLOCKING
3 ACCESS TO PUBLIC LAND, PARTICULARLY WHEN TWO PARCELS OF PUBLIC
4 LAND SHARE A BORDER, USUALLY AT THE CORNERS; AND
5 (b) MAKE LEGISLATIVE AND OTHER RECOMMENDATIONS, IN
6 ACCORDANCE WITH SUBSECTION (11) OF THIS SECTION, DESIGNED TO
7 ALLOW THE PUBLIC TO ACCESS PUBLIC LAND THAT IS BLOCKED AS
8 DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION.
9 (9) THE TASK FORCE SHALL CONSIDER THE FOLLOWING ISSUES:
10 (a) THE RIGHT OF THE PUBLIC TO HAVE ACCESS TO AND USE PUBLIC
11 LAND;
12 (b) THE RIGHTS OF LANDOWNERS TO THEIR PRIVATELY OWNED
13 LAND;
14 (c) THE RELATIVE COST AND DIFFICULTY OF COMPLIANCE WITH
15 ANY LEGISLATIVE RECOMMENDATIONS MADE BY THE TASK FORCE; AND
16 (d) THE LAWS RELEVANT TO ANY LEGISLATIVE
17 RECOMMENDATIONS MADE BY THE TASK FORCE AND TO THE ISSUES
18 DESCRIBED IN THIS SUBSECTION (9) AND SUBSECTION (8) OF THIS SECTION.
19 (10)(a) UPON REQUEST BY THE TASK FORCE, THE DEPARTMENT
20 SHALL SUPPORT THE TASK FORCE IN ACCOMPLISHING ITS DUTIES UNDER
21 THIS SECTION.
22 (b) THE DIVISION, DEPARTMENT, AND EXECUTIVE DIRECTOR MAY
23 CONTRACT WITH THIRD PARTIES TO IMPLEMENT THIS SECTION.
24 (11) ON OR BEFORE JANUARY 1, 2024, THE TASK FORCE SHALL
25 TRANSMIT A REPORT TO THE HOUSE OF REPRESENTATIVES AGRICULTURE,
26 WATER, AND NATURAL RESOURCES COMMITTEE AND THE SENATE
27 AGRICULTURE AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR

1 COMMITTEES. THE REPORT MUST INCLUDE THE TASK FORCE'S LEGISLATIVE
2 RECOMMENDATIONS.

3 (12) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

4 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
5 \$50,000 is appropriated to the department of natural resources for use by
6 the division of parks and wildlife. This appropriation is from the general
7 fund. To implement this act, the division may use this appropriation for
8 wildlife operations.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2024 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.