

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 13, 2023
Date

Committee on Agriculture, Water & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB23-1066 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

10 (b) "PUBLIC LAND" MEANS REAL PROPERTY OWNED BY A
11 GOVERNMENT ENTITY.

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

14 (2) THERE IS HEREBY CREATED IN THE DIVISION THE PUBLIC LAND
15 ACCESS TASK FORCE TO STUDY THE ISSUE OF ACCESS TO PUBLIC LAND
16 THAT SHARES A BORDER WITH PUBLIC LAND BUT TO WHICH ACCESS IS
17 BLOCKED BY PRIVATELY OWNED LAND.

18 (3) (a) THE TASK FORCE CONSISTS OF NINE MEMBERS APPOINTED
19 AS FOLLOWS:

20 (I) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE NONVOTING, EX
21 OFFICIO MEMBER WHO REPRESENTS THE DIVISION;

22 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
23 APPOINT:

24 (A) ONE MEMBER WHO REPRESENTS A STATEWIDE HUNTING
25 ORGANIZATION;

26 (B) ONE MEMBER WHO REPRESENTS A STATEWIDE AGRICULTURAL
27 ORGANIZATION;

1 (C) ONE MEMBER WHO IS A LAWYER WHO PRACTICES CIVIL
2 LITIGATION IN THE AREA DESCRIBED IN SUBSECTION (8)(a) OF THIS
3 SECTION; AND
4 (D) ONE MEMBER WHO IS AN OUTDOOR RECREATIONAL
5 ENTHUSIAST; AND
6 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT:
7 (A) TWO MEMBERS WHO REPRESENT OWNERS OF PRIVATELY
8 OWNED LAND THAT BLOCKS ACCESS TO PUBLIC LAND;
9 (B) ONE MEMBER WHO REPRESENTS A STATEWIDE OUTDOOR
10 RECREATIONAL ASSOCIATION; AND
11 (C) ONE MEMBER WHO IS A HUNTER OR ANGLER.
12 (b) EACH APPOINTING AUTHORITY SHALL MAKE THE INITIAL
13 APPOINTMENTS TO THE TASK FORCE NO LATER THAN SEPTEMBER 1, 2023.
14 (4) EACH MEMBER OF THE TASK FORCE WHO IS APPOINTED IN
15 ACCORDANCE WITH THIS SECTION SERVES AT THE PLEASURE OF THE
16 OFFICIAL WHO APPOINTED THE MEMBER.
17 (5) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT
18 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES FROM THE
19 STATE; EXCEPT THAT MEMBERS WHO ARE STATE EMPLOYEES MAY BE
20 COMPENSATED AS STATE EMPLOYEES.
21 (6)(a) THE EXECUTIVE DIRECTOR SHALL ORGANIZE AND CALL THE
22 FIRST MEETING OF THE TASK FORCE BY SEPTEMBER 15, 2023.
23 (b) THE TASK FORCE SHALL ELECT A CHAIR FROM AMONG ITS
24 MEMBERS.
25 (c) THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES BY
26 NOVEMBER 15, 2023. THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS
27 AS ARE NECESSARY FOR THE TASK FORCE TO COMPLETE ITS DUTIES.
28 (7) THE TASK FORCE MAY SEEK INFORMATION AND OPINIONS FROM
29 AND TAKE TESTIMONY FROM RELEVANT GOVERNMENT AGENCIES AND
30 INTERESTED INDIVIDUALS, BUSINESSES, GROUPS, AND ASSOCIATIONS.
31 (8) THE TASK FORCE SHALL:
32 (a) STUDY THE ISSUE OF PRIVATELY OWNED LAND BLOCKING
33 ACCESS TO PUBLIC LAND, PARTICULARLY WHEN TWO PARCELS OF PUBLIC
34 LAND SHARE A BORDER, USUALLY AT THE CORNERS;
35 (b) ALLOW INTERESTED PARTIES TO GIVE ORAL OR WRITTEN
36 TESTIMONY AS TO THE ISSUES DESCRIBED IN THIS SUBSECTION (8) AND
37 SUBSECTION (9) OF THIS SECTION; AND
38 (c) MAKE LEGISLATIVE RECOMMENDATIONS, IN ACCORDANCE
39 WITH SUBSECTION (11) OF THIS SECTION, DESIGNED TO ALLOW THE PUBLIC
40 TO ACCESS PUBLIC LAND THAT IS BLOCKED AS DESCRIBED IN SUBSECTION
41 (8)(a) OF THIS SECTION.
42 (9) THE TASK FORCE SHALL CONSIDER THE FOLLOWING ISSUES:
43 (a) THE RIGHT OF THE PUBLIC TO HAVE ACCESS TO AND USE PUBLIC

1 LAND;

2 (b) THE RIGHTS OF LANDOWNERS TO THEIR PRIVATELY OWNED
3 LAND;

4 (c) THE RELATIVE COST AND DIFFICULTY OF COMPLIANCE WITH
5 ANY LEGISLATIVE RECOMMENDATIONS MADE BY THE TASK FORCE; AND

6 (d) THE LEGAL FRAMEWORK RELEVANT TO ANY LEGISLATIVE
7 RECOMMENDATIONS MADE BY THE TASK FORCE AND TO THE ISSUES
8 DESCRIBED IN THIS SUBSECTION (9) AND SUBSECTION (8) OF THIS SECTION.

9 (10)(a) UPON REQUEST BY THE TASK FORCE, THE DEPARTMENT
10 SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY
11 BE NECESSARY TO IMPLEMENT THIS SECTION.

12 (b) THE DIVISION, DEPARTMENT, AND EXECUTIVE DIRECTOR MAY
13 CONTRACT WITH THIRD PARTIES TO IMPLEMENT THIS SECTION.

14 (11) ON OR BEFORE NOVEMBER 15, 2023, THE TASK FORCE SHALL
15 TRANSMIT A REPORT TO THE HOUSE OF REPRESENTATIVES AGRICULTURE,
16 WATER, AND NATURAL RESOURCES COMMITTEE AND THE SENATE
17 AGRICULTURE AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR
18 COMMITTEES. THE REPORT MUST INCLUDE THE TASK FORCE'S LEGISLATIVE
19 RECOMMENDATIONS.

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

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in
28 November 2024 and, in such case, will take effect on the date of the
29 official declaration of the vote thereon by the governor."

30 Page 1, strike line 103 and substitute "CORNERS, AND, IN CONNECTION
31 THEREWITH, CREATING A TASK FORCE TO STUDY THE ISSUE OF ACCESS
32 TO PUBLIC LANDS THAT ARE BLOCKED BY PRIVATELY OWNED LANDS."

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