

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 18-0527.01 Megan Waples x4348

HOUSE BILL 18-1351

HOUSE SPONSORSHIP

Valdez and Covarrubias,

SENATE SPONSORSHIP

Crowder and Garcia, Guzman

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING SIGNAGE FOR THE OLD SPANISH TRAIL.**

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 recognizes the significance of the old Spanish national historic trail as a historic resource in Colorado. The bill requires the executive director of the department of transportation to erect signs marking portions of the trail that travel along or cross highways in Colorado.

Section 2 amends existing law that makes it a misdemeanor to deface or destroy monuments or markers on the Santa Fe trail to include monuments marking any historic trail.

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

SENATE
3rd Reading Unamended
May 8, 2018

SENATE
2nd Reading Unamended
May 7, 2018

HOUSE
3rd Reading Unamended
May 7, 2018

HOUSE
Amended 2nd Reading
May 4, 2018

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The old Spanish trail was an east to west trail that connected
5 Santa Fe, New Mexico, and Los Angeles, California, from 1829 to 1848.
6 The trail utilized an existing network of indigenous trails formed and used
7 by American Indian tribes in the modern-day New Mexico, Colorado, and
8 Utah areas.

9 (b) The trail, which skirted around the Grand Canyon, crossed
10 large sand dunes, and led into harsh deserts, was mainly used as an
11 extensive trade route. Sheep and high quality woolen goods from New
12 Mexico were traded for a surplus supply of horses and mules raised in
13 California.

14 (c) The trail was also used by travelers in search of wealth and
15 fertile lands. Travel along the old Spanish trail allowed for increased
16 cultural interaction in the region. Spanish missions used the trail to help
17 strengthen their influence.

18 (d) Among these travelers, traders, and missionaries were also
19 outlaws and raiders who captured the vulnerable and sold them into
20 slavery. At that time, all ethnicities in the region participated in the slave
21 trade.

22 (e) Many American Indian slaves, or genízaros, were captured by
23 traders and trappers along the route and were sold at the conclusion of the
24 route in California and New Mexico.

25 (f) The history of this region is rich and includes both negative
26 and positive impacts that should not be forgotten or ignored, but should

1 be studied and understood.

2 (2) Now, therefore, it is the intent of the general assembly to
3 recognize the complex history of the old Spanish trail and present the full
4 history to the public for educational purposes.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 24-80-803 as
6 follows:

7 **24-80-803. Old Spanish trail - marking - legislative**

8 **declaration.** (1) (a) THE UNITED STATES CONGRESS ADDED THE OLD
9 SPANISH NATIONAL HISTORIC TRAIL TO THE NATIONAL TRAILS SYSTEM ON
10 DECEMBER 4, 2002, AND AUTHORIZED THE SECRETARY OF THE INTERIOR
11 TO ADMINISTER THE TRAIL. THE SECRETARY OF THE INTERIOR DESIGNATED
12 THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARKS SERVICE
13 AS COADMINISTRATORS OF THE ENTIRE TRAIL. THE BUREAU OF LAND
14 MANAGEMENT AND THE NATIONAL PARKS SERVICE WERE CHARGED WITH
15 THE DEVELOPMENT OF A COMPREHENSIVE ADMINISTRATIVE STRATEGY
16 AND DRAFT ENVIRONMENTAL IMPACT STATEMENT, IN COMPLIANCE WITH
17 THE "NATIONAL TRAILS SYSTEM ACT", AS AMENDED, AND THE
18 "NATIONAL ENVIRONMENTAL POLICY ACT", AS AMENDED. THE
19 COMPREHENSIVE ADMINISTRATIVE STRATEGY WAS FINALIZED IN
20 DECEMBER 2017.

21 (b) THE GENERAL ASSEMBLY HEREBY RECOGNIZES AND COMMENDS
22 THE DESIGNATION BY THE CONGRESS OF THE UNITED STATES OF THE OLD
23 SPANISH TRAIL AS A NATIONAL HISTORIC TRAIL. THE GENERAL ASSEMBLY
24 FINDS AND DECLARES THAT THE PORTIONS OF THE OLD SPANISH NATIONAL
25 HISTORIC TRAIL OCCURRING IN THE STATE OF COLORADO ARE A VALUABLE
26 AND NOTEWORTHY HISTORIC RESOURCE THAT SHOULD BE IDENTIFIED FOR
27 THE TRAVELING PUBLIC WHERE THEY TRAVEL ON OR CROSS THE HIGHWAYS

1 OF THE STATE OF COLORADO.

2 (c) IN ORDER TO PRESERVE THE LANDSCAPE, ECOLOGICAL, AND
3 ETHNOGRAPHIC CHARACTERISTICS OF THE OLD SPANISH NATIONAL
4 HISTORIC TRAIL, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
5 TRANSPORTATION SHALL CONSULT WITH CULTURALLY AFFILIATED
6 AMERICAN INDIAN TRIBES BEFORE POSTING ANY SIGNS UNDER THIS
7 SECTION.

8 (2) SUBJECT TO THE AVAILABILITY OF FUNDING FROM GIFTS,
9 GRANTS, OR DONATIONS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
10 OF TRANSPORTATION SHALL MARK WITH SUITABLE SIGNS, WHICH MAY
11 INCLUDE THE ORIGINAL INDIGENOUS NAME AS A SECONDARY
12 INTERPRETIVE THEME IN ACCORDANCE WITH THE CONSULTATIONS
13 CONDUCTED UNDER SUBSECTION (1)(c) OF THIS SECTION, SIGNIFICANT
14 ROUTE SEGMENTS AND SITES RECOGNIZED AS ASSOCIATED WITH THE OLD
15 SPANISH NATIONAL HISTORIC TRAIL IN COLORADO, AS GENERALLY
16 DEPICTED ON THE MAPS CONTAINED IN THE UNITED STATES DEPARTMENT
17 OF THE INTERIOR, NATIONAL PARKS SERVICE REPORT ENTITLED "OLD
18 SPANISH TRAIL NATIONAL HISTORIC TRAIL FEASIBILITY STUDY AND
19 ENVIRONMENTAL ASSESSMENT", DATED JULY 2001, AND AS FURTHER
20 REFINED BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES,
21 WHERE THOSE ROUTES TRAVEL ON AND CROSS THE HIGHWAYS OF THE
22 STATE. THE DEPARTMENT OF TRANSPORTATION MAY SEEK, ACCEPT, AND
23 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
24 FOR THE PURPOSES OF THIS SECTION.

25 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-80-801 as
26 follows:

27 **24-80-801. Penalty for damaging monuments.** Any person who

1 destroys, defaces, removes, or injures the monuments or marks erected to
2 mark ~~the Santa Fe Trail~~ A HISTORIC TRAIL UNDER THIS PART 8 in the state
3 of Colorado is guilty of a misdemeanor and, upon conviction thereof,
4 shall be punished by a fine of one hundred dollars, or by imprisonment in
5 the county jail for not less than thirty nor more than ninety days, or by
6 both such fine and imprisonment.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.