

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0626.01 Jery Payne x2157

HOUSE BILL 23-1066

HOUSE SPONSORSHIP

Bradley and Velasco,

SENATE SPONSORSHIP

Priola,

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.

HOUSE
Amended 2nd Reading
May 3, 2023

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) TWO MEMBERS 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, AND ONE MEMBER WHO IS A LAWYER WITH EXPERTISE IN PRIVATE
25 PROPERTY RIGHTS;

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

1 (VI) TWO MEMBERS WHO REPRESENT OWNERS OF PRIVATELY
2 OWNED LAND THAT BLOCKS ACCESS TO PUBLIC LAND;

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

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

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

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

11 (d) IF AN APPOINTED MEMBER CANNOT ATTEND A MEETING, THE
12 APPOINTING AUTHORITY MAY DESIGNATE A PERSON TO REPRESENT THE
13 MEMBER FOR THE MEETING.

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

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 OCTOBER 15, 2023.

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

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

27 (7) THE TASK FORCE MAY SEEK INFORMATION AND OPINIONS FROM

1 RELEVANT GOVERNMENT AGENCIES AND INTERESTED INDIVIDUALS,
2 BUSINESSES, GROUPS, AND ASSOCIATIONS.

3 (8) THE TASK FORCE SHALL:

4 (a) STUDY THE ISSUE OF PRIVATELY OWNED LAND BLOCKING
5 ACCESS TO PUBLIC LAND, PARTICULARLY WHEN TWO PARCELS OF PUBLIC
6 LAND SHARE A BORDER, USUALLY AT THE CORNERS; AND

7 (b) MAKE LEGISLATIVE AND OTHER RECOMMENDATIONS, IN
8 ACCORDANCE WITH SUBSECTION (11) OF THIS SECTION, DESIGNED TO
9 ADDRESS THE ISSUE DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION.

10 (9) THE TASK FORCE SHALL CONSIDER THE FOLLOWING ISSUES:

11 (a) THE RIGHT OF THE PUBLIC TO HAVE ACCESS TO AND USE PUBLIC
12 LAND;

13 (b) THE RIGHTS OF LANDOWNERS TO THEIR PRIVATELY OWNED
14 LAND;

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

17 (d) THE LAWS RELEVANT TO ANY LEGISLATIVE
18 RECOMMENDATIONS MADE BY THE TASK FORCE AND TO THE ISSUES
19 DESCRIBED IN THIS SUBSECTION (9) AND SUBSECTION (8) OF THIS SECTION;
20 AND

21 (e) THE EFFECT AND EFFECTIVENESS OF ACTIONS TAKEN BY STATE
22 AGENCIES THAT RELATE TO THE ISSUES DESCRIBED IN THIS SUBSECTION (9)
23 AND SUBSECTION (8) OF THIS SECTION.

24 (10) (a) UPON REQUEST BY THE TASK FORCE, THE DEPARTMENT
25 SHALL SUPPORT THE TASK FORCE IN ACCOMPLISHING ITS DUTIES UNDER
26 THIS SECTION.

27 (b) THE DIVISION, DEPARTMENT, AND EXECUTIVE DIRECTOR MAY

1 CONTRACT WITH THIRD PARTIES TO IMPLEMENT THIS SECTION.

2 (11) ON OR BEFORE JANUARY 1, 2024, THE TASK FORCE SHALL
3 TRANSMIT A REPORT TO THE HOUSE OF REPRESENTATIVES AGRICULTURE,
4 WATER, AND NATURAL RESOURCES COMMITTEE AND THE SENATE
5 AGRICULTURE AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR
6 COMMITTEES. THE REPORT MUST INCLUDE THE TASK FORCE'S LEGISLATIVE
7 RECOMMENDATIONS.

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

9 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
10 \$50,000 is appropriated to the department of natural resources for use by
11 the division of parks and wildlife. This appropriation is from the general
12 fund. To implement this act, the division may use this appropriation for
13 wildlife operations.

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