

**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.**

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 corner of public land to another corner of public land where 2 public

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.

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:**

7 (a) "PRIVATELY OWNED LAND" MEANS REAL PROPERTY NOT

1 OWNED BY A GOVERNMENT ENTITY.

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

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

6 (2) THERE IS HEREBY CREATED IN THE DIVISION THE PUBLIC LAND
7 ACCESS TASK FORCE TO STUDY THE ISSUE OF ACCESS TO PUBLIC LAND
8 THAT SHARES A BORDER WITH PUBLIC LAND BUT TO WHICH ACCESS IS
9 BLOCKED BY PRIVATELY OWNED LAND.

10 (3) (a) THE TASK FORCE CONSISTS OF NINE MEMBERS APPOINTED
11 AS FOLLOWS:

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

14 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
15 APPOINT:

16 (A) ONE MEMBER WHO REPRESENTS A STATEWIDE HUNTING
17 ORGANIZATION;

18 (B) ONE MEMBER WHO REPRESENTS A STATEWIDE AGRICULTURAL
19 ORGANIZATION;

20 (C) ONE MEMBER WHO IS A LAWYER WHO PRACTICES CIVIL
21 LITIGATION IN THE AREA DESCRIBED IN SUBSECTION (8)(a) OF THIS
22 SECTION; AND

23 (D) ONE MEMBER WHO IS AN OUTDOOR RECREATIONAL
24 ENTHUSIAST; AND

25 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT:

26 (A) TWO MEMBERS WHO REPRESENT OWNERS OF PRIVATELY
27 OWNED LAND THAT BLOCKS ACCESS TO PUBLIC LAND;

1 (B) ONE MEMBER WHO REPRESENTS A STATEWIDE OUTDOOR
2 RECREATIONAL ASSOCIATION; AND

3 (C) ONE MEMBER WHO IS A HUNTER OR ANGLER.

4 (b) EACH APPOINTING AUTHORITY SHALL MAKE THE INITIAL
5 APPOINTMENTS TO THE TASK FORCE NO LATER THAN SEPTEMBER 1, 2023.

6 (4) EACH MEMBER OF THE TASK FORCE WHO IS APPOINTED IN
7 ACCORDANCE WITH THIS SECTION SERVES AT THE PLEASURE OF THE
8 OFFICIAL WHO APPOINTED THE MEMBER.

9 (5) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT
10 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES FROM THE
11 STATE; EXCEPT THAT MEMBERS WHO ARE STATE EMPLOYEES MAY BE
12 COMPENSATED AS STATE EMPLOYEES.

13 (6) (a) THE EXECUTIVE DIRECTOR SHALL ORGANIZE AND CALL THE
14 FIRST MEETING OF THE TASK FORCE BY SEPTEMBER 15, 2023.

15 (b) THE TASK FORCE SHALL ELECT A CHAIR FROM AMONG ITS
16 MEMBERS.

17 (c) THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES BY
18 NOVEMBER 15, 2023. THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS
19 AS ARE NECESSARY FOR THE TASK FORCE TO COMPLETE ITS DUTIES.

20 (7) THE TASK FORCE MAY SEEK INFORMATION AND OPINIONS FROM
21 AND TAKE TESTIMONY FROM RELEVANT GOVERNMENT AGENCIES AND
22 INTERESTED INDIVIDUALS, BUSINESSES, GROUPS, AND ASSOCIATIONS.

23 (8) THE TASK FORCE SHALL:

24 (a) STUDY THE ISSUE OF PRIVATELY OWNED LAND BLOCKING
25 ACCESS TO PUBLIC LAND, PARTICULARLY WHEN TWO PARCELS OF PUBLIC
26 LAND SHARE A BORDER, USUALLY AT THE CORNERS;

27 (b) ALLOW INTERESTED PARTIES TO GIVE ORAL OR WRITTEN

1 TESTIMONY AS TO THE ISSUES DESCRIBED IN THIS SUBSECTION (8) AND
2 SUBSECTION (9) OF THIS SECTION; AND

3 (c) MAKE LEGISLATIVE RECOMMENDATIONS, IN ACCORDANCE
4 WITH SUBSECTION (11) OF THIS SECTION, DESIGNED TO ALLOW THE PUBLIC
5 TO ACCESS PUBLIC LAND THAT IS BLOCKED AS DESCRIBED IN SUBSECTION
6 (8)(a) OF THIS SECTION.

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

8 (a) THE RIGHT OF THE PUBLIC TO HAVE ACCESS TO AND USE PUBLIC
9 LAND;

10 (b) THE RIGHTS OF LANDOWNERS TO THEIR PRIVATELY OWNED
11 LAND;

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

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

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

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

22 (11) ON OR BEFORE NOVEMBER 15, 2023, THE TASK FORCE SHALL
23 TRANSMIT A REPORT TO THE HOUSE OF REPRESENTATIVES AGRICULTURE,
24 WATER, AND NATURAL RESOURCES COMMITTEE AND THE SENATE
25 AGRICULTURE AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR
26 COMMITTEES. THE REPORT MUST INCLUDE THE TASK FORCE'S LEGISLATIVE
27 RECOMMENDATIONS.

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

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