

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

INTRODUCED

LLS NO. 25-0500.01 Megan McCall x4215

HOUSE BILL 25-1163

HOUSE SPONSORSHIP

Stewart K. and Taggart, Duran, Boesenecker

SENATE SPONSORSHIP

Roberts and Simpson,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FREE ACCESS TO STATE PARKS FOR COLORADO UTE**
102 **TRIBES.**

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>.)

The bill allows enrolled members of the Southern Ute Indian Tribe and enrolled members of the Ute Mountain Ute Tribe to enter state parks without having to pay an entrance fee.

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

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.

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

3 (a) States may enact laws beneficial to the members of federally
4 recognized tribes consistent with the federal government's trust and treaty
5 responsibilities through an implied congressional authorization;

6 (b) The United States Supreme Court in *Morton v. Mancari*, 417
7 U.S. 535 (1974), and in *States v. Antelope*, 430 U.S. 641 (1977),
8 recognized that classifications based on membership in a federally
9 recognized tribe are not racial classifications but rather political
10 classifications based on membership in a quasi-sovereign tribal entity;

11 (c) The Southern Ute Indian Tribe and the Ute Mountain Ute
12 Tribe are the only two federally recognized tribes with reservations in
13 Colorado;

14 (d) The Southern Ute Indian Tribe reservation is located in
15 southwest Colorado and includes lands in La Plata county and Archuleta
16 county. A portion of the lands of the Southern Ute Indian Tribe
17 reservation are held in trust by the United States.

18 (e) The Ute Mountain Ute Tribe reservation is located in the Four
19 Corners region and includes lands in Montezuma county and La Plata
20 county, both counties in Colorado. The lands of the Ute Mountain Ute
21 Tribe reservation are held in trust by the United States.

22 (f) Pursuant to the Brunot Agreement of 1874, the Southern Ute
23 Indian Tribe and the Ute Mountain Ute Tribe retain hunting, fishing, and
24 gathering rights outside of their respective reservations. The area where
25 the tribes retain these rights includes lands which are now state parks
26 managed through intergovernmental agreements among the state and the
27 tribes.

1 (g) The Ute people are the oldest continuous residents of what is
2 today the state of Colorado. They have no migration story, but have been
3 here since time immemorial.

4 (h) Through a series of treaties with the United States, the original
5 Ute homelands were severely diminished. Today, the Mouache and
6 Caputa bands of the Utes comprise the Southern Ute Indian Tribe that
7 resides on the Southern Ute Indian Tribe reservation and the Weenuchiu
8 band resides on the Ute Mountain Ute Tribe reservation.

9 (i) The state has long recognized the unique political status of the
10 Southern Ute Indian Tribe and the Ute Mountain Ute Tribe, and their
11 special governmental relationship with the state, as well as the importance
12 of establishing and maintaining a cooperative relationship with the tribes
13 and the Ute people. See for example, article 44 of title 24 of the Colorado
14 Revised Statutes.

15 (j) The Southern Ute Indian Tribe and Ute Mountain Ute Tribe
16 have deep cultural, spiritual, ancestral, and historical ties to the majority
17 of the land within Colorado, including much of the lands that are now
18 designated as state parks, and have served as stewards of these lands and
19 the cultural and natural resources provided by these lands since time
20 immemorial; and

21 (k) The state seeks to reduce barriers for enrolled members of the
22 Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in accessing
23 their ancestral lands and sacred sites located within Colorado's state
24 parks.

25 **SECTION 2.** In Colorado Revised Statutes, **add** 33-12-103.8 as
26 follows:

27 **33-12-103.8. Southern Ute Indian Tribe and Ute Mountain Ute**

1 **Tribe - access to state parks - legislative declaration.** (1) (a) THE
2 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

3 (I) THE SOUTHERN UTE INDIAN TRIBE AND UTE MOUNTAIN UTE
4 TRIBE ARE THE OLDEST CONTINUOUS RESIDENTS OF WHAT IS NOW KNOWN
5 AS THE STATE OF COLORADO AND HAVE SIGNIFICANT HISTORICAL AND
6 CULTURAL TIES TO THE MAJORITY OF THE LAND WITHIN THE STATE; AND

7 (II) THE VAST MAJORITY OF COLORADO'S STATE PARKS ARE
8 LOCATED ON ANCESTRAL LANDS OF THE SOUTHERN UTE INDIAN TRIBE
9 AND THE UTE MOUNTAIN UTE TRIBE. THESE ANCESTRAL LANDS MAY
10 ALSO INCLUDE SACRED SITES OF THE SOUTHERN UTE INDIAN TRIBE AND
11 UTE MOUNTAIN UTE TRIBE. PROVIDING FREE ACCESS TO COLORADO
12 STATE PARKS TO MEMBERS OF THE SOUTHERN UTE INDIAN TRIBE AND THE
13 UTE MOUNTAIN UTE TRIBE REDUCES CERTAIN FINANCIAL BARRIERS THAT
14 MAY OTHERWISE PREVENT TRIBAL MEMBERS FROM ACCESSING STATE
15 PARKS.

16 (b) THE GENERAL ASSEMBLY THEREFORE FURTHER FINDS AND
17 DECLARES THAT ENROLLED MEMBERS OF THE SOUTHERN UTE INDIAN
18 TRIBE AND THE UTE MOUNTAIN UTE TRIBE SHOULD BE ELIGIBLE TO ENTER
19 ANY STATE PARK FREE OF CHARGE.

20 (2) ENROLLED MEMBERS OF THE SOUTHERN UTE INDIAN TRIBE
21 AND THE UTE MOUNTAIN UTE TRIBE WHO PRESENT A CURRENT TRIBAL
22 IDENTIFICATION CARD WITH AN INTACT PHOTO ARE NOT REQUIRED TO PAY
23 A FEE TO ENTER STATE PARKS THAT ARE MANAGED BY THE DIVISION.

24 (3) ENTRANCE TO AND ACCESS TO STATE PARKS PURSUANT TO THIS
25 SECTION IS SUBJECT TO THE TRIBAL MEMBER'S OBSERVANCE OF RULES AND
26 REGULATIONS CONCERNING THE STATE PARK.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2026 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.