

CHAPTER 289

NATURAL RESOURCES

HOUSE BILL 25-1163

BY REPRESENTATIVE(S) Stewart K. and Taggart, Duran, Boesenecker, Bird, Brown, Caldwell, Camacho, Clifford, Espenoza, Feret, Froelich, Gonzalez R., Hamrick, Jackson, Keltie, Lindstedt, Lukens, Mabrey, Phillips, Rutinel, Titone, Valdez, Velasco, McCluskie;

also SENATOR(S) Roberts and Simpson, Amabile, Bridges, Frizell, Kirkmeyer, Liston, Lundeen, Michaelson Jenet, Mullica, Rodriguez, Snyder, Coleman.

AN ACT**CONCERNING FREE ACCESS TO STATE PARKS FOR COLORADO UTE TRIBES.**

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

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

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

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

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

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

(e) The Ute Mountain Ute Tribe reservation is located in the Four Corners region and includes lands in Montezuma county and La Plata county, both counties in

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

Colorado. The lands of the Ute Mountain Ute Tribe reservation are held in trust by the United States.

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

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

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

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

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

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

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

33-12-103.8. Southern Ute Indian Tribe and Ute Mountain Ute Tribe - access to state parks - legislative declaration - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

(II) THE VAST MAJORITY OF COLORADO'S STATE PARKS ARE LOCATED ON ANCESTRAL LANDS OF THE SOUTHERN UTE INDIAN TRIBE AND THE UTE MOUNTAIN UTE TRIBE. THESE ANCESTRAL LANDS MAY ALSO INCLUDE SACRED SITES OF THE SOUTHERN UTE INDIAN TRIBE AND UTE MOUNTAIN UTE TRIBE. PROVIDING FREE ACCESS TO COLORADO STATE PARKS TO MEMBERS OF THE SOUTHERN UTE INDIAN

TRIBE AND THE UTE MOUNTAIN UTE TRIBE REDUCES CERTAIN FINANCIAL BARRIERS THAT MAY OTHERWISE PREVENT TRIBAL MEMBERS FROM ACCESSING STATE PARKS.

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

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

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

(4) (a) BY JUNE 1, 2026, THE DIVISION SHALL BUILD ON EXISTING EFFORTS TO CONDUCT OUTREACH TO AND ENGAGEMENT WITH THE SOUTHERN UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, AND OTHER TRIBAL GOVERNMENTS, AMERICAN INDIAN COMMUNITIES, AND INDIGENOUS COMMUNITIES ON OPPORTUNITIES RELATED TO STATE PARKS THAT ARE MANAGED BY THE DIVISION.

(b) IN JANUARY 2026 AND IN JANUARY 2027, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING THE DIVISION'S OUTREACH AND ENGAGEMENT ON OPPORTUNITIES RELATED TO STATE PARKS SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION.

(c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2027.

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

Approved: May 29, 2025