

CHAPTER 183

GOVERNMENT - STATE

HOUSE BILL 07-1069

BY REPRESENTATIVE(S) McKinley, Borodkin, Buescher, Butcher, Carroll T., Casso, Cerbo, Curry, Gallegos, Green, Jahn, Kerr A., King, Labuda, Madden, Marshall, McFadyen, and Pommer;
 also SENATOR(S) Kester, Bacon, Boyd, Brophy, Fitz-Gerald, Groff, Isgar, Johnson, Keller, Sandoval, Schwartz, Shaffer, Spence, Tapia, Taylor, Tochtrop, Wiens, Williams, and Windels.

AN ACT

**CONCERNING WITHDRAWAL OF THE CONSENT GIVEN BY THE STATE TO THE FEDERAL GOVERNMENT
 FOR THE ACQUISITION OF LAND WITHIN THE STATE FOR MILITARY TRAINING PURPOSES BY MEANS
 OF EMINENT DOMAIN.**

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

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

(a) Military training is a proper purpose for the acquisition of land within the state by the federal government; however, expansion of the Pinon Canyon Maneuver Site in southeastern Colorado has not been demonstrated to be either necessary or desirable;

(b) The proposed expansion of the Pinon Canyon Maneuver Site has the potential for causing enormous adverse impacts of an economic, agricultural, historic, and environmental nature;

(c) Section 8 (17) of article I of the United States constitution allows the state legislatures to withdraw consent by a state to the exercise by the federal government of exclusive jurisdiction over particular land and, by withdrawing such consent, allows the state to claim concurrent jurisdiction over the land with the federal government; and

(d) The general assembly recognizes that it is unable to prohibit the federal government from using the power of eminent domain to acquire private property from unwilling land owners. By removing its consent to the exclusive jurisdiction

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

by the federal government over the land, and preserving its rights to concurrent jurisdiction with the federal government over the land, it is the intent of the general assembly to make any such acquisition less desirable to the federal government.

SECTION 2. 3-1-102, Colorado Revised Statutes, is amended to read:

3-1-102. Consent to acquire land - when notice required. Except as provided in this section, the consent of the state of Colorado is hereby given, in accordance with ~~the seventeenth clause, eighth section of the first article~~ SECTION 8 (17) OF ARTICLE I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in ~~this~~ THE state required for custom houses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government; ~~but~~ EXCEPT THAT CONSENT IS NOT HEREBY GIVEN TO THE ACQUISITION OF, OR EXCLUSIVE JURISDICTION OVER, LAND SOUGHT BY THE UNITED STATES DEPARTMENT OF DEFENSE FOR PURPOSES ASSOCIATED WITH THE EXPANSION OF THE PINON CANYON MANEUVER SITE. HOWEVER, before any privately owned land in ~~this~~ THE state is acquired for any purpose other than for public highways, custom houses, courthouses, post offices, arsenals, or other governmental buildings, the United States shall give written notice of intention to acquire ~~such~~ THE land to the board of county commissioners of the county wherein ~~such~~ THE land is situated and to the division of property taxation, which notice shall be given at least sixty days prior to the date of ~~such~~ THE intended acquisition. If ~~such~~ THE notice ~~be~~ IS not given or if ~~such~~ THE board of county commissioners or the division ~~of property taxation shall file~~ FILES with the secretary of state of the state of Colorado within ~~such~~ THE sixty-day period a request that ~~such~~ THE acquisition be considered by the general assembly of the state of Colorado, then ~~and in such event~~ the consent of the state of Colorado shall not be deemed to have been given to ~~such~~ THE acquisition unless and until the general assembly of the state of Colorado shall have by law specifically consented thereto.

SECTION 3. Applicability. This act shall apply to condemnation actions commenced on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 3, 2007