

## CHAPTER 381

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**GOVERNMENT - STATE**


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**HOUSE BILL 09-1317**

BY REPRESENTATIVE(S) Pace and McKinley, McFadyen, Curry, Gagliardi, Hullinghorst, Massey, Merrifield, Miklosi, Scanlan, Sonnenberg, Tipton, Vigil, Weissmann, Fischer, Gardner C., Green, Soper; also SENATOR(S) Kester, Isgar, Harvey, Schwartz, Shaffer B., Tapia.

**AN ACT**

**CONCERNING STATE LANDS SOUGHT TO BE ACQUIRED BY THE FEDERAL GOVERNMENT ASSOCIATED WITH THE EXPANSION OF THE PINON CANYON MANEUVER SITE.**

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

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

**3-1-102. Consent to acquire land - when notice required - directive to the attorney general.** (1) Except as provided in this section, the consent of the state of Colorado is hereby given, in accordance with 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 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; 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 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 the land to the board of county commissioners of the county wherein 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 the intended acquisition. If the notice is not given or if the board of county commissioners or the division files with the secretary of state of the state of Colorado within the sixty-day period a request that the acquisition be considered by the general assembly of the state of Colorado, then the consent of the state of Colorado shall not be deemed to have been given to the acquisition unless and until the general assembly of the state of Colorado shall have by law specifically

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

consented thereto.

(2) THE ATTORNEY GENERAL OF THE STATE OF COLORADO SHALL OPPOSE ANY ATTEMPT BY THE UNITED STATES DEPARTMENT OF DEFENSE OR OTHER UNIT OF FEDERAL GOVERNMENT TO ACQUIRE BY ANY MEANS, INCLUDING PURCHASE OR CONDEMNATION, STATE LANDS FOR WHICH CONSENT TO ACQUIRE HAS BEEN WITHDRAWN PURSUANT TO THIS SECTION FOR THE EXPANSION OF THE PINON CANYON MANEUVER SITE PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION 36-1-123.5, C.R.S. SUCH OPPOSITION SHALL BE MADE A PRIORITY BY THE ATTORNEY GENERAL AND, WHENEVER FEASIBLE, TAKE PRECEDENCE OVER ANY OTHER MATTERS.

**SECTION 2.** Article 1 of title 3, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**3-1-137. Severability.** IF ANY PROVISION OF THIS ARTICLE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT SUCH INVALID PROVISION.

**SECTION 3.** 36-1-113 (1), Colorado Revised Statutes, is amended to read:

**36-1-113. Leases - rental - mineral resources lands.** (1) The state board of land commissioners may lease any portion of the land of the state at a rental to be determined by it, except as provided in sections ~~36-1-118, 36-1-147~~ 36-1-118, 36-1-123.5, 36-1-147, and 36-1-147.5. The lessee shall pay the annual rental to the board, who shall receipt for the same in the lease. Upon receiving such annual rental, the board shall transmit the same to the state treasurer, as provided by law, and take his or her receipt therefor. If geothermal resources or mineral resources are found upon the state land, such land may be leased for the purpose of removing ~~therefrom~~ such resources for such length of time and conditioned upon the payment to the board of such royalty upon the product as the board may determine.

**SECTION 4.** Article 1 of title 36, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**36-1-123.5. Sale or lease of state lands for federal military real property expansion.** NO STATE LANDS SHALL BE SOLD OR LEASED TO THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OTHER UNIT OF FEDERAL GOVERNMENT IF SUCH SALE OR LEASE HAS THE PURPOSE OR EFFECT OF EXPANDING THE PINON CANYON MANEUVER SITE.

**36-1-154. Severability.** IF ANY PROVISION OF THIS ARTICLE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT SUCH INVALID PROVISION.

**SECTION 5. Applicability.** This act shall apply to transactions involving state lands on or after the effective date of this act.

**SECTION 6. 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: June 2, 2009