

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 07-0279.01 Bob Lackner

HOUSE BILL 07-1069

HOUSE SPONSORSHIP

McKinley,

SENATE SPONSORSHIP

Kester,

House Committees
State, Veterans, & Military Affairs

Senate Committees
State, Veterans & Military Affairs

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

With respect to the consent given by the state to the federal government for the acquisition of property within the state by the federal government by means of condemnation, withdraws such consent for the acquisition of land sought by the United States department of defense for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
April 17, 2007

HOUSE
3rd Reading Unamended
March 26, 2007

HOUSE
Amended 2nd Reading
March 23, 2007

purposes associated with the training of military personnel through the exercise of the power of eminent domain. States that the department shall only acquire land in the state for purposes associated with the training of military personnel by means other than by the exercise of the power of eminent domain.

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

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

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

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

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

16 (d) The general assembly recognizes that it is unable to prohibit
17 the federal government from using the power of eminent domain to
18 acquire private property from unwilling land owners. By removing its
19 consent to the exclusive jurisdiction by the federal government over the
20 land, and preserving its rights to concurrent jurisdiction with the federal
21 government over the land, it is the intent of the general assembly to make
22 any such acquisition less desirable to the federal government.

23 **SECTION 2.** 3-1-102, Colorado Revised Statutes, is amended to

1 read:

2 **3-1-102. Consent to acquire land - when notice required.**

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

1 of Colorado shall have by law specifically consented thereto. ■■■ ■■■

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

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