

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

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

10 (b) The general assembly recognizes that it is unable to prohibit
11 the federal government from using the power of eminent domain to
12 acquire private property from unwilling land owners. By removing its
13 consent to the exclusive jurisdiction by the federal government over the
14 land, and preserving its rights to concurrent jurisdiction with the federal
15 government over the land, it is the intent of the general assembly to make
16 any such acquisition less desirable to the federal government.

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

19 **3-1-102. Consent to acquire land - when notice required.**
20 Except as provided in this section, the consent of the state of Colorado is
21 hereby given, in accordance with ~~the seventeenth clause, eighth section~~
22 ~~of the first article~~ SECTION 8 (17) OF ARTICLE I of the constitution of the
23 United States, to the acquisition by the United States, by purchase,

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

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

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.