

Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
CONDITIONAL FISCAL IMPACT

Drafting Number: LLS 07-0279
Prime Sponsor(s): Rep. McKinley
 Sen. Kester

Date: January 23, 2007
Bill Status: House SVMA
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: 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.

Fiscal Impact Summary	FY 2007-2008	FY 2008-2009
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon signature of the Governor, and applies to condemnation actions commenced on or after that date.		
Appropriation Summary for FY 2007-2008: None required.		
Local Government Impact: See the Local Government Impact section.		

Summary of Legislation

Under current law (Section 3-1-102, C.R.S.), the state of Colorado gives consent to the federal government for acquisition 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. This bill withdraws the consent for the acquisition of land sought by the United States Department of Defense for purposes associated with the training of military personnel through the exercise of the power of eminent domain. The bill states that the Department of Defense 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.

State Expenditures

The bill does not preclude the acquisition of land by the federal government for military training. The bill does, however remove the option of using the power of eminent domain to obtain the land. Any attempt by the state of Colorado to prohibit the federal government from condemning land for the purposes associated with the training of military personnel will presumably result in

litigation. Demands for legal services on the part of the Attorney General's office will most likely arise after condemnation actions are initiated by the federal government. No legal costs have been estimated at this time.

The bill is assessed as having a conditional fiscal impact because any impact would depend on a future action of the federal government.

Local Government Impact

The fiscal impact of the bill on local governments has not been estimated. Land acquired by the federal government would be exempt from property tax collections by the affected local governments, including counties, school districts, municipalities, and special districts.

Departments Contacted

Judicial	Law
Local Affairs	Military Affairs