

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

INTRODUCED

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

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.

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

4 **3-1-102. Consent to acquire land - when notice required.**

5 Except as provided in this section, the consent of the state of Colorado is
6 hereby given, in accordance with ~~the seventeenth clause, eighth section~~
7 ~~of the first article~~ SECTION 8 (17) OF ARTICLE I of the constitution of the
8 United States, to the acquisition by the United States, by purchase,
9 condemnation, or otherwise, of any land in ~~this~~ THE state required for
10 custom houses, courthouses, post offices, arsenals, or other buildings
11 whatever, or for any other proper purpose of the United States
12 government; ~~but~~ EXCEPT THAT CONSENT IS NOT HEREBY GIVEN TO THE
13 ACQUISITION OF LAND SOUGHT BY THE UNITED STATES DEPARTMENT OF
14 DEFENSE FOR PURPOSES ASSOCIATED WITH THE TRAINING OF MILITARY
15 PERSONNEL THROUGH THE EXERCISE OF THE POWER OF EMINENT DOMAIN.
16 HOWEVER, before any privately owned land in ~~this~~ THE state is acquired
17 for any purpose other than for public highways, custom houses,
18 courthouses, post offices, arsenals, or other governmental buildings, the
19 United States shall give written notice of intention to acquire ~~such~~ THE
20 land to the board of county commissioners of the county wherein ~~such~~
21 THE land is situated and to the division of property taxation, which notice
22 shall be given at least sixty days prior to the date of ~~such~~ THE intended
23 acquisition. If ~~such~~ THE notice ~~be~~ IS not given or if ~~such~~ THE board of

1 county commissioners or the division of property taxation shall file FILES
2 with the secretary of state of the state of Colorado within such THE
3 sixty-day period a request that such THE acquisition be considered by the
4 general assembly of the state of Colorado, then and in such THE event the
5 consent of the state of Colorado shall not be deemed to have been given
6 to such THE acquisition unless and until the general assembly of the state
7 of Colorado shall have by law specifically consented thereto. ON OR
8 AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, THE
9 DEPARTMENT SHALL ONLY ACQUIRE LAND IN THE STATE FOR PURPOSES
10 ASSOCIATED WITH THE TRAINING OF MILITARY PERSONNEL BY MEANS
11 OTHER THAN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

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

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.