

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

REREVISED

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

LLS NO. 09-0957.01 Kate Meyer

HOUSE BILL 09-1317

HOUSE SPONSORSHIP

Pace and McKinley, McFadyen, Curry, Gagliardi, Hullinghorst, Massey, Merrifield, Miklosi, Scanlan, Sonnenberg, Tipton, Vigil, Weissmann

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House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture and Natural Resources

SENATE
3rd Reading Unam ended
April 29, 2009

A BILL FOR AN ACT

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

SENATE
2nd Reading Unam ended
April 28, 2009

Bill Summary

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

Prohibits the state board of land commissioners from selling or leasing lands to the United States department of defense or any federal governmental entity for purposes associated with the expansion of the Pinon Canyon maneuver site.

Directs the state attorney general to oppose any attempt by the federal government to acquire state lands for which consent to acquire has

HOUSE
3rd Reading Unam ended
April 8, 2009

HOUSE
Am ended 2nd Reading
April 7, 2009

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.

been withdrawn or that are declared ineligible for sale or lease.

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 **directive to the attorney general.** (1) Except as provided in this
6 section, the consent of the state of Colorado is hereby given, in
7 accordance with 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 the state required for custom
10 houses, courthouses, post offices, arsenals, or other buildings whatever,
11 or for any other proper purpose of the United States government; except
12 that consent is not hereby given to the acquisition of, or exclusive
13 jurisdiction over, land sought by the United States department of defense
14 for purposes associated with the expansion of the Pinon Canyon
15 maneuver site. However, before any privately owned land in the state is
16 acquired for any purpose other than for public highways, custom houses,
17 courthouses, post offices, arsenals, or other governmental buildings, the
18 United States shall give written notice of intention to acquire the land to
19 the board of county commissioners of the county wherein the land is
20 situated and to the division of property taxation, which notice shall be
21 given at least sixty days prior to the date of the intended acquisition. If
22 the notice is not given or if the board of county commissioners or the
23 division files with the secretary of state of the state of Colorado within the
24 sixty-day period a request that the acquisition be considered by the
25 general assembly of the state of Colorado, then the consent of the state of

1 Colorado shall not be deemed to have been given to the acquisition unless
2 and until the general assembly of the state of Colorado shall have by law
3 specifically consented thereto.

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

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

16 **3-1-137. Severability.** IF ANY PROVISION OF THIS ARTICLE IS HELD
17 INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OF THIS
18 ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT SUCH INVALID PROVISION.

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

21 **36-1-113. Leases - rental - mineral resources lands.** (1) The
22 state board of land commissioners may lease any portion of the land of
23 the state at a rental to be determined by it, except as provided in sections
24 ~~36-1-118, 36-1-147~~ 36-1-118, 36-1-123.5, 36-1-147, and 36-1-147.5.
25 The lessee shall pay the annual rental to the board, who shall receipt for
26 the same in the lease. Upon receiving such annual rental, the board shall
27 transmit the same to the state treasurer, as provided by law, and take his

1 or her receipt therefor. If geothermal resources or mineral resources are
2 found upon the state land, such land may be leased for the purpose of
3 removing ~~therefrom~~ such resources for such length of time and
4 conditioned upon the payment to the board of such royalty upon the
5 product as the board may determine.

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

9 **36-1-123.5. Sale or lease of state lands for federal military real**
10 **property expansion.** NO STATE LANDS SHALL BE SOLD OR LEASED TO THE
11 UNITED STATES DEPARTMENT OF DEFENSE OR ANY OTHER UNIT OF
12 FEDERAL GOVERNMENT IF SUCH SALE OR LEASE HAS THE PURPOSE OR
13 EFFECT OF EXPANDING THE PINON CANYON MANEUVER SITE.

14 **36-1-154. Severability.** IF ANY PROVISION OF THIS ARTICLE IS
15 HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS
16 OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT SUCH INVALID
17 PROVISION.

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

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