

Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT**Drafting Number:** LLS 15-0437**Prime Sponsor(s):** Sen. Lambert
Rep. Humphrey**Date:** January 30, 2015**Bill Status:** Senate SVMA**Fiscal Analyst:** Clare Pramuk (303-866-2677)**BILL TOPIC:** CONCURRENT JURISDICTION OVER FEDERAL LAND**Summary of Legislation**

Because the federal government currently holds exclusive jurisdiction over United States Forest Service (USFS) and Bureau of Land Management (BLM) lands, the state has no authority to legislate or to exercise executive and judicial powers over those lands. Under this bill, the state retains concurrent legislative jurisdiction with the United States under the laws of the state in and over all USFS and BLM lands. The stated purposes of retaining concurrent legislative jurisdiction is to reserve the rights to:

- allow civil and criminal cases to be brought on these lands;
- tax persons, corporations, and their property; and
- exercise legislative power to protect the life, health, and safety of state residents.

Background

The BLM owns 8.3 million acres of public lands, and 27 million acres of mineral estate in Colorado. The USFS is the primary land manager for the state's forest and owns 11.3 million acres of public lands. These lands are primarily in the western part of the state.

Under current law, the state exercises jurisdiction over certain activities on certain federal lands. For example, the federal Buck Act (4 U.S.C. 101 et seq.) permits a state to levy sales and use tax, as well as income tax, for federal employees, and for concessions, timber sales, and other economic activities that occur on federal public lands. As another example, property taxes are levied against possessory interests, such as mineral extraction equipment, operating on federal lands in Colorado.

Federal control over land management, and the general exemption of federal public lands from taxation, is based on both federal ownership and the supremacy of federal law under the United States Constitution.

Assessment

This bill is assessed as having no fiscal impact. While it authorizes the state to exercise legislative, executive and judicial powers over USFS and BLM lands, it does not direct any state agency to take any action. The fiscal note assumes that any specific direction to take action would come from the General Assembly or the governor and would require agreement of the federal government as well as adequate funding.

Effective Date

The bill takes effect July 1, 2015.

State and Local Government Contacts

Judicial
Counties

Public Safety
Law

Natural Resources