

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

INTRODUCED

LLS NO. 01-0428.01 Jery Payne

HOUSE BILL 01-1216

HOUSE SPONSORSHIP

Lawrence, Tapia, and Spradley

SENATE SPONSORSHIP

(None)

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A RETROCESSION OF EXCLUSIVE FEDERAL JURISDICTION**
102 **OVER THE UNITED STATES ARMY PUEBLO CHEMICAL DEPOT,**
103 **AND, IN CONNECTION THEREWITH, ACCEPTING CONCURRENT**
104 **STATE JURISDICTION OVER SUCH DEPOT.**

Bill Summary

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

Upon retrocession of exclusive jurisdiction by the secretary of the army over the Pueblo chemical depot and the creation of a memorandum of understanding between the chemical depot and Pueblo county, accepts such retrocession, thereby creating concurrent jurisdiction over such depot by both the United States and the state of Colorado. Authorizes the

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.

governor to execute the appropriate documents. Disavows the assumption of liability by the state of Colorado.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **3-1-137. Acceptance of jurisdiction over Pueblo chemical depot.**

5 (1) UPON THE EXECUTION OF THE APPROPRIATE DOCUMENTS BY THE
6 GOVERNOR OF THIS STATE, AND UPON THE EXECUTION OF A MEMORANDUM
7 OF UNDERSTANDING BETWEEN PUEBLO COUNTY AND THE UNITED STATES
8 OF AMERICA CONTAINING BOTH THE COUNTY’S AND THE UNITED STATES
9 ARMY’S RESPONSIBILITIES CONCERNING THE ARMY PUEBLO CHEMICAL
10 DEPOT, THE STATE OF COLORADO HEREBY ACCEPTS THE RETROCESSION OF
11 EXCLUSIVE JURISDICTION BY THE SECRETARY OF THE ARMY OF THE UNITED
12 STATES OF AMERICA OVER THE REAL PROPERTY COMPRISING THE UNITED
13 STATES ARMY PUEBLO CHEMICAL DEPOT. CONCURRENT JURISDICTION,
14 BOTH CRIMINAL AND CIVIL, SHALL BE RETAINED BY THE STATE OF
15 COLORADO FOR AS LONG AS THE UNITED STATES ARMY PUEBLO CHEMICAL
16 DEPOT IS LOCATED WITHIN PUEBLO COUNTY.

17 (2) THE STATE SHALL NOT INCUR OR ASSUME ANY LIABILITY AS A
18 RESULT OF ACCEPTING THE RETROCESSION OF EXCLUSIVE JURISDICTION
19 PURSUANT TO THIS SECTION.

20 (3) THE RETROCESSION OF EXCLUSIVE JURISDICTION SHALL NOT
21 INCLUDE ANY PART OF THE UNITED STATES ARMY INSTALLATION
22 DESIGNATED BY THE COMMANDING OFFICER AS A PLACE WHERE
23 MISSION-ESSENTIAL FUNCTIONS ARE PERFORMED; THEREFORE, SUCH
24 PROPERTY SHALL REMAIN UNDER THE EXCLUSIVE JURISDICTION OF THE
25 UNITED STATES OF AMERICA.

1 (4) UPON REQUEST BY THE UNITED STATES OF AMERICA, THE
2 GOVERNOR OF THIS STATE IS AUTHORIZED TO EXECUTE THE APPROPRIATE
3 DOCUMENTS TO ACCOMPLISH THE RETROCESSION OF EXCLUSIVE FEDERAL
4 JURISDICTION OVER THE UNITED STATES ARMY PUEBLO CHEMICAL DEPOT.

5 **SECTION 2. Effective date.** This act shall take effect at 12:01
6 a.m. on the day following the expiration of the ninety-day period after
7 final adjournment of the general assembly that is allowed for submitting
8 a referendum petition pursuant to article V, section 1 (3) of the state
9 constitution; except that, if a referendum petition is filed against this act
10 or an item, section, or part of this act within such period, then the act,
11 item, section, or part, if approved by the people, shall take effect on the
12 date of the official declaration of the vote thereon by proclamation of the
13 governor.