

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

**INTRODUCED**

LLS NO. 13-0078.01 Esther van Mourik x4215

**SENATE BILL 13-142**

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**SENATE SPONSORSHIP**

**Renfroe,** Baumgardner, Scheffel, Grantham, Hill, Lambert, Harvey, Marble

**HOUSE SPONSORSHIP**

**Sonnenberg,**

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**Senate Committees**  
State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE REQUIREMENT THAT THE FEDERAL GOVERNMENT**  
102             **EXTINGUISH TITLE TO ALL AGRICULTURAL PUBLIC LANDS AND**  
103             **TRANSFER TITLE TO THE STATE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires the United States to cede or extinguish title to all agricultural public lands and transfer title to the state. The state board of land commissioners is required to manage such agricultural public lands in a way that produces reasonable and consistent income over time by

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.*

prudently protecting, selling, exchanging, or otherwise disposing of such agricultural public lands. In the event the state board of land commissioners sells agricultural public lands, the United States is entitled to receive 95% of the net proceeds of the sale. The remaining 5% is credited to the internal improvements trust fund. The trust fund is to remain inviolate and intact and only the interest and income earned on the deposit and investment of moneys in the trust fund may be expended and used as follows: 50% is to be credited to the state education fund and 50% may be appropriated by the general assembly for water storage projects recommended by the Colorado water conservation board.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 19.6 to  
3 title 24 as follows:

4                                   **ARTICLE 19.6**

5                                   **Directive to Federal Government -**

6                                   **Ceding of or Extinguishing Title to Agricultural Public Lands**

7           **24-19.6-101. Legislative declaration.** (1) THE GENERAL  
8 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

9           (a) A STATE ENABLING ACT IS A CONGRESSIONAL ACT THAT  
10 ADMITS A STATE INTO THE UNION AND OUTLINES THE AGREEMENTS  
11 RELATED TO ADMISSION;

12           (b) COLORADO'S ENABLING ACT WAS APPROVED ON MARCH 3,  
13 1875;

14           (c) A RECURRING THEME THROUGHOUT COLORADO'S ENABLING  
15 ACT IS THAT COLORADO WAS TO BE ADMITTED TO THE UNION ON EQUAL  
16 FOOTING WITH THE ORIGINAL STATES IN ALL RESPECTS WHATSOEVER;

17           (d) PRESIDENT ULYSSES S. GRANT'S PROCLAMATION ADMITTING  
18 COLORADO INTO THE UNION ON AUGUST 1, 1876, ALSO MENTIONS THE  
19 ADMISSION OF COLORADO ON AN EQUAL FOOTING WITH THE ORIGINAL  
20 STATES;

1 (e) COLORADO IS NOT ON EQUAL FOOTING WITH THE ORIGINAL  
2 STATES BECAUSE THERE IS A HIGHER PERCENTAGE OF FEDERAL LAND  
3 OWNERSHIP IN COLORADO COMPARED TO THE ORIGINAL STATES;

4 (f) THE FEDERAL GOVERNMENT OWNS AN AVERAGE OF FIFTY-ONE  
5 AND NINE-TENTHS PERCENT OF THE LAND IN THIRTEEN WESTERN STATES,  
6 COMPARED TO FOUR AND ONE-TENTH PERCENT IN THE REMAINING STATES;

7 (g) AS PART OF THE EFFORT TO SET COLORADO ON EQUAL FOOTING  
8 COMPARED TO THE ORIGINAL STATES, SECTION 12 OF COLORADO'S  
9 ENABLING ACT PROVIDES THAT "FIVE PER CENTUM OF THE PROCEEDS OF  
10 THE SALES OF AGRICULTURAL PUBLIC LANDS LYING WITHIN SAID STATE,  
11 WHICH SHALL BE SOLD BY THE UNITED STATES SUBSEQUENT TO THE  
12 ADMISSION OF SAID STATE INTO THE UNION, AFTER DEDUCTING ALL THE  
13 EXPENSES INCIDENT TO THE SAME, SHALL BE PAID TO THE SAID STATE FOR  
14 THE PURPOSE OF MAKING SUCH INTERNAL IMPROVEMENTS WITHIN SAID  
15 STATE AS THE LEGISLATURE THEREOF MAY DIRECT; PROVIDED, THAT THIS  
16 SECTION SHALL NOT APPLY TO ANY LANDS DISPOSED OF UNDER THE  
17 HOMESTEAD LAWS OF THE UNITED STATES, OR TO ANY LANDS NOW OR  
18 HEREAFTER RESERVED FOR PUBLIC OR OTHER USES.";

19 (h) A 1934 FEDERAL LAW REGARDING GRAZING DISTRICTS SET  
20 FORTH THE ASSUMPTION THAT THESE LANDS WOULD ULTIMATELY BE  
21 DISPOSED OF BY THE UNITED STATES;

22 (i) THE ENABLING ACT WAS CONSIDERED A SOLEMN TRUST  
23 OBLIGATION BUT THE LANDS WERE NEVER SOLD BY THE UNITED STATES;  
24 AND

25 (j) IN 1976, CONGRESS CHANGED THESE TERMS WITH THE  
26 "FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976", WHICH  
27 DECLARED PUBLIC LANDS BE RETAINED IN FEDERAL OWNERSHIP UNLESS

1 DISPOSAL OF A PARTICULAR PARCEL WILL SERVE THE NATIONAL INTEREST.  
2 THIS CHANGE IN TERMS IS SEEN AS AN ABANDONMENT OF THE SOLEMN  
3 TRUST OBLIGATION AND RESULTED IN AN ESTIMATED FOURTEEN MILLION  
4 DOLLAR LOSS IN PUBLIC EDUCATION FUNDING FOR WESTERN STATES.

5 (2) THE GENERAL ASSEMBLY HEREBY FURTHER FINDS AND  
6 DECLARES THAT:

7 (a) COLORADO MAY NOT ASSESS PROPERTY TAXES ON FEDERAL  
8 LANDS. THE ESTIMATED ANNUAL IMPACT OF THIS PROPERTY TAX  
9 PROHIBITION ON ALL WESTERN LANDS IS OVER FOUR BILLION DOLLARS.

10 (b) PUBLIC EDUCATION RELIES HEAVILY ON STATE AND LOCAL  
11 PROPERTY TAX REVENUES;

12 (c) COLORADO'S INABILITY TO PROPERLY FUND EDUCATION IS  
13 DIRECTLY RELATED TO THE HIGH LEVEL OF FEDERAL LAND OWNERSHIP IN  
14 THE STATE;

15 (d) ON MAY 13, 2004, THE COLORADO STATE BOARD OF  
16 EDUCATION ADOPTED A RESOLUTION THAT ENDORSES AN INITIATIVE  
17 SEEKING JUST COMPENSATION FROM THE FEDERAL GOVERNMENT FOR THE  
18 IMPACT ITS OWNERSHIP OF LANDS WITHIN WESTERN STATES HAS ON THE  
19 ABILITY OF THE STATE TO FUND PUBLIC EDUCATION; AND

20 (e) IN THIS ERA OF ECONOMIC UNCERTAINTY, COLORADO MUST  
21 HOLD THE UNITED STATES TO ITS EARLIER TRUST AGREEMENT TO SELL ITS  
22 AGRICULTURAL PUBLIC LANDS.

23 **24-19.6-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "AGRICULTURAL PUBLIC LAND" MEANS LAND WITHIN THE  
26 BOUNDARIES OF THE STATE THAT IS USED OR COULD BE USED FOR  
27 AGRICULTURE EXCEPT:

1 (a) LAND TO WHICH TITLE IS HELD BY ANY INDIVIDUAL,  
2 CORPORATION, BUSINESS TRUST, ESTATE, TRUST, LIMITED LIABILITY  
3 COMPANY, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY NOT  
4 INCLUDING A STATE OR LOCAL GOVERNMENT OR GOVERNMENTAL  
5 SUBDIVISION OR AGENCY;

6 (b) LAND TO WHICH TITLE IS HELD IN TRUST BY THE STATE, A  
7 POLITICAL SUBDIVISION OF THE STATE, OR AN INDEPENDENT ENTITY,  
8 INCLUDING ALL LAND OWNED AND MANAGED BY THE STATE BOARD OF  
9 LAND COMMISSIONERS;

10 (c) NATIONAL PARKS;

11 (d) LAND USED FOR MILITARY PURPOSES; AND

12 (e) LAND BELONGING TO AN INDIAN OR INDIAN TRIBE, BAND, OR  
13 COMMUNITY THAT IS HELD IN TRUST BY THE UNITED STATES OR IS SUBJECT  
14 TO A RESTRICTION AGAINST ALIENATION IMPOSED BY THE UNITED STATES.

15 (2) "AGRICULTURE" HAS THE SAME MEANING AS SET FORTH IN  
16 SECTION 35-1-102 (1), C.R.S.

17 (3) "INTERNAL IMPROVEMENT" MEANS AN IMPROVEMENT LOCATED  
18 WITHIN THE STATE OF A FIXED AND PERMANENT NATURE, SUCH AS REAL  
19 PROPERTY. AN "INTERNAL IMPROVEMENT" SHALL BE DESIGNED AND  
20 INTENDED FOR THE BENEFIT OF THE PUBLIC. "INTERNAL IMPROVEMENT"  
21 DOES NOT INCLUDE ANY CAPITAL CONSTRUCTION COSTS ASSOCIATED WITH  
22 THE STATE CAPITOL, A STATE INSTITUTION OF HIGHER EDUCATION, A STATE  
23 CORRECTIONS FACILITY, OR SUCH SIMILAR FACILITY FOR PUBLIC  
24 EDUCATION, THE PREVENTION OF CRIME, OR THE PRESERVATION OF THE  
25 PUBLIC HEALTH, AND DOES NOT INCLUDE THE GENERAL DEFRAYING OF THE  
26 EXPENSES RELATED TO SUCH FACILITIES.

27 (4) "NET PROCEEDS" MEANS THE PROCEEDS FROM THE SALE OF

1 AGRICULTURAL PUBLIC LANDS, AFTER SUBTRACTING EXPENSES INCIDENT  
2 TO THE SALE OF THE AGRICULTURAL PUBLIC LANDS.

3 **24-19.6-103. Ceding of or extinguishing title to agricultural**  
4 **public lands - internal improvements trust fund - creation.** (1) ON OR  
5 BEFORE DECEMBER 31, 2014, IN ORDER TO EFFECTUATE SECTION 12 OF  
6 THE STATE'S ENABLING ACT AND TO PLACE THE STATE ON AN EQUAL  
7 FOOTING WITH THE ORIGINAL STATES IN THE UNION IN ALL RESPECTS  
8 WHATSOEVER, THE UNITED STATES SHALL CEDE OR EXTINGUISH TITLE TO  
9 ALL AGRICULTURAL PUBLIC LANDS AND TRANSFER TITLE TO THE STATE OF  
10 COLORADO.

11 (2) THE STATE BOARD OF LAND COMMISSIONERS SHALL MANAGE  
12 SUCH AGRICULTURAL PUBLIC LANDS TO PROVIDE FOR THE PRUDENT  
13 PROTECTION, SALE, EXCHANGE, OR OTHER DISPOSITION OF SUCH  
14 AGRICULTURAL PUBLIC LANDS IN ORDER TO PRODUCE REASONABLE AND  
15 CONSISTENT INCOME OVER TIME. IN THE EVENT THE STATE BOARD OF LAND  
16 COMMISSIONERS SELLS ANY OF THE AGRICULTURAL PUBLIC LANDS, THE  
17 UNITED STATES IS ENTITLED TO NINETY-FIVE PERCENT OF THE NET  
18 PROCEEDS OF THE SALE OF SUCH AGRICULTURAL PUBLIC LANDS. THE  
19 REMAINING FIVE PERCENT OF THE NET PROCEEDS IS CREDITED TO THE  
20 INTERNAL IMPROVEMENTS TRUST FUND, WHICH IS HEREBY CREATED IN THE  
21 STATE TREASURY. THE TRUST FUND MUST REMAIN INVIOLEATE AND INTACT;  
22 ONLY THE INTEREST AND INCOME EARNED ON THE DEPOSIT AND  
23 INVESTMENT OF MONEYS IN THE TRUST FUND MAY BE EXPENDED AND USED  
24 SOLELY FOR THE PURPOSES DESCRIBED IN THIS SUBSECTION (2). ALL  
25 UNEXPENDED AND UNENCUMBERED MONEYS IN THE TRUST FUND MUST  
26 REMAIN IN THE TRUST FUND AND MAY NOT REVERT TO THE GENERAL FUND  
27 OR ANY OTHER FUND AT THE END OF A FISCAL YEAR. FIFTY PERCENT OF

1 THE INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF  
2 MONEYS IN THE TRUST FUND IS ANNUALLY CREDITED TO THE STATE  
3 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
4 STATE CONSTITUTION, AND THE REMAINING FIFTY PERCENT OF THE  
5 INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF  
6 MONEYS IN THE TRUST FUND MAY BE APPROPRIATED BY THE GENERAL  
7 ASSEMBLY FOR WATER STORAGE PROJECTS RECOMMENDED BY THE  
8 COLORADO WATER CONSERVATION BOARD CREATED IN SECTION  
9 37-60-102, C.R.S.

10 **SECTION 2. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2014 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.