

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0646.01 Jacob Baus x2173

SENATE BILL 24-074

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Weissman,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING CONCURRENT JURISDICTION OVER UNITED STATES
102 MILITARY PROPERTY.

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://leg.colorado.gov>.)

The bill permits, subject to conditions, concurrent legislative jurisdiction between the state of Colorado and the United States over specified United States military installation property.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 **SECTION 1.** In Colorado Revised Statutes, **add 3-3-106** as
2 follows:

3 **3-3-106. United States military installations - concurrent**
4 **jurisdiction - legislative declaration.** (1) THE GENERAL ASSEMBLY
5 DECLARES THAT THE PURPOSE OF THE CONCURRENT LEGISLATIVE
6 JURISDICTION ESTABLISHED BY THIS SECTION IS TO AVOID CONFUSION AND
7 ENSURE THAT LAW ENFORCEMENT SERVICES ARE AVAILABLE ON UNITED
8 STATES MILITARY INSTALLATION PROPERTY LOCATED IN COLORADO.

9 (2) (a) THE STATE OF COLORADO HEREBY ACCEPTS THE
10 RELINQUISHMENT OF EXCLUSIVE LEGISLATIVE JURISDICTION FROM THE
11 UNITED STATES PURSUANT TO THIS SECTION, EXCEPT AS PROVIDED IN
12 SUBSECTION (6) OF THIS SECTION. THE STATE OF COLORADO HAS
13 CONCURRENT LEGISLATIVE JURISDICTION WITH THE UNITED STATES OVER
14 THE UNITED STATES MILITARY INSTALLATION PROPERTY INDICATED
15 PURSUANT TO THIS SECTION FOR AS LONG AS THE UNITED STATES
16 CONTROLS THE PROPERTY.

17 (b) THE CONCURRENT LEGISLATIVE JURISDICTION OVER THE
18 UNITED STATES MILITARY INSTALLATION PROPERTY PURSUANT TO THIS
19 SECTION IS EFFECTIVE UPON THE GOVERNOR'S WRITTEN ACCEPTANCE OF
20 A REQUEST FILED BY THE PRINCIPAL OFFICER, OR AN AUTHORIZED
21 REPRESENTATIVE OF THE UNITED STATES WHO HAS SUPERVISION OR
22 CONTROL OVER THE PROPERTY PURSUANT TO 10 U.S.C. SEC. 2683, OF THE
23 PROPERTY WHERE CONCURRENT LEGISLATIVE JURISDICTION IS SOUGHT,
24 RELINQUISHING EXCLUSIVE LEGISLATIVE JURISDICTION AND RETAINING
25 CONCURRENT LEGISLATIVE JURISDICTION OVER THE PROPERTY.

26 (c) THE GOVERNOR SHALL NOT ACCEPT A REQUEST FILED
27 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION UNLESS THE REQUEST:

1 (I) STATES THE NAME, POSITION, AND LEGAL AUTHORITY OF THE
2 PERSON REQUESTING THE CESSION;

3 (II) UNAMBIGUOUSLY STATES THE MATTER FOR WHICH
4 CONCURRENT LEGISLATIVE JURISDICTION IS REQUESTED;

5 (III) DESCRIBES BY METES AND BOUNDS THE UNITED STATES
6 MILITARY INSTALLATION PROPERTY SUBJECT TO THE CONCURRENT
7 LEGISLATIVE JURISDICTION REQUEST; AND

8 (IV) INDICATES WHETHER THE REQUEST INCLUDES FUTURE
9 CONTIGUOUS EXPANSIONS OF LAND ACQUIRED FOR MILITARY PURPOSES.

10 (d) IF THE GOVERNOR ACCEPTS A REQUEST PURSUANT TO THIS
11 SECTION, THE GOVERNOR'S WRITTEN ACCEPTANCE MUST STATE THE
12 ELEMENTS OF THE REQUEST THAT ARE ACCEPTED.

13 (e) IF THE GOVERNOR ACCEPTS A REQUEST PURSUANT TO THIS
14 SECTION, THE GOVERNOR SHALL SUBMIT THE FOLLOWING DOCUMENTS TO
15 THE APPROPRIATE RECORDING OFFICES IN THE STATE FOR INDEXING AND
16 SUBMIT COPIES OF THE FOLLOWING DOCUMENTS TO THE PERSON WHO
17 REQUESTED CONCURRENT LEGISLATIVE JURISDICTION:

18 (I) THE UNITED STATES' REQUEST FOR CONCURRENT LEGISLATIVE
19 JURISDICTION;

20 (II) THE GOVERNOR'S WRITTEN ACCEPTANCE OF CONCURRENT
21 LEGISLATIVE JURISDICTION; AND

22 (III) A DESCRIPTION BY METES AND BOUNDS OF THE UNITED
23 STATES MILITARY INSTALLATION PROPERTY SUBJECT TO THE CONCURRENT
24 LEGISLATIVE JURISDICTION.

25 (3) UPON REQUEST BY THE UNITED STATES THROUGH AN
26 AUTHORIZED REPRESENTATIVE, THE GOVERNOR IS AUTHORIZED TO
27 EXECUTE APPROPRIATE DOCUMENTS TO ACCOMPLISH THE CESSION

1 GRANTED BY THIS SECTION.

2 (4) THE STATE MUST NOT INCUR OR ASSUME ANY LIABILITY AS A
3 RESULT OF ACCEPTING CONCURRENT LEGISLATIVE JURISDICTION
4 PURSUANT TO THIS SECTION.

5 (5) UPON THE ESTABLISHMENT OF CONCURRENT LEGISLATIVE
6 JURISDICTION PURSUANT TO THIS SECTION, A STATE AGENCY, LOCAL
7 GOVERNMENT, OR DISTRICT MAY ENTER INTO A RECIPROCAL AGREEMENT
8 WITH A UNITED STATES AGENCY TO DESIGNATE DUTIES RELATED TO THE
9 CONCURRENT LEGISLATIVE JURISDICTION BETWEEN THE PARTIES.

10 (6) (a) IF THE STATE OF COLORADO IS NOT UNDER CONCURRENT
11 LEGISLATIVE JURISDICTION WITH THE UNITED STATES OVER UNITED
12 STATES MILITARY INSTALLATION PROPERTY PURSUANT TO SUBSECTIONS
13 (2) TO (5) OF THIS SECTION, THE STATE OF COLORADO HEREBY ACCEPTS
14 THE RELINQUISHMENT OF EXCLUSIVE LEGISLATIVE JURISDICTION FROM THE
15 UNITED STATES PURSUANT TO THIS SUBSECTION (6). THE STATE OF
16 COLORADO HAS CONCURRENT LEGISLATIVE JURISDICTION WITH THE
17 UNITED STATES OVER THE UNITED STATES MILITARY INSTALLATION
18 PROPERTY, FOR AS LONG AS THE UNITED STATES CONTROLS THE
19 PROPERTY, FOR MATTERS REGARDING A VIOLATION OF LAW ON THE
20 UNITED STATES MILITARY INSTALLATION PROPERTY.

21 (b) THE CONCURRENT LEGISLATIVE JURISDICTION OVER THE
22 UNITED STATES MILITARY INSTALLATION PROPERTY PURSUANT TO THIS
23 SUBSECTION (6) IS EFFECTIVE IF:

24 (I) THE FEDERAL LAW AT ISSUE HAS ELEMENTS THAT ARE
25 IDENTICAL OR SUBSTANTIALLY SIMILAR TO A STATE LAW; AND

26 (II) THE UNITED STATES ATTORNEY FOR THE DISTRICT OF
27 COLORADO, OR A JUDGE FOR THE DISTRICT COURT OF THE UNITED STATES

1 WHO PRESIDES OVER MATTERS REGARDING FEDERAL LAW VIOLATIONS
2 THAT OCCUR ON THE UNITED STATES MILITARY INSTALLATION PROPERTY
3 AT ISSUE, WAIVES EXCLUSIVE JURISDICTION.

4 (c) A STATE AGENCY, LOCAL GOVERNMENT, OR DISTRICT MAY
5 ENTER INTO A RECIPROCAL AGREEMENT WITH A UNITED STATES AGENCY,
6 THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO, OR THE
7 DISTRICT COURT OF THE UNITED STATES, RELATED TO CONCURRENT
8 LEGISLATIVE JURISDICTION BETWEEN THE PARTIES, PURSUANT TO THIS
9 SUBSECTION (6).

10 **SECTION 2. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.