

CHAPTER 39

UNITED STATES

SENATE BILL 24-074

BY SENATOR(S) Gardner;
also REPRESENTATIVE(S) Weissman and Soper, Bird, Duran, Jodeh, Woodrow.**AN ACT****CONCERNING CONCURRENT JURISDICTION OVER UNITED STATES MILITARY PROPERTY.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, **add** 3-3-106 as follows:

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

(2) (a) THE STATE OF COLORADO HEREBY ACCEPTS THE RELINQUISHMENT OF EXCLUSIVE LEGISLATIVE JURISDICTION FROM THE UNITED STATES PURSUANT TO THIS SECTION. THE STATE OF COLORADO HAS CONCURRENT LEGISLATIVE JURISDICTION WITH THE UNITED STATES OVER THE UNITED STATES MILITARY INSTALLATION PROPERTY INDICATED PURSUANT TO THIS SECTION FOR AS LONG AS THE UNITED STATES CONTROLS THE PROPERTY.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

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

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

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

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

(3) UPON REQUEST BY THE UNITED STATES THROUGH AN AUTHORIZED REPRESENTATIVE, THE GOVERNOR IS AUTHORIZED TO EXECUTE APPROPRIATE DOCUMENTS TO ACCOMPLISH THE CESSION GRANTED BY THIS SECTION.

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

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

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

Approved: April 4, 2024