

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0174.01 Thomas Morris x4218

HOUSE BILL 16-1055

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HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

(None),

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF COLORADANS TO SUE THE UNITED  
102 STATES FOR ITS TORTIOUS CONDUCT.

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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 clarifies that there are no prerequisites established by state law, other than those applicable to a tort committed by a party other than the United States, to sue the United States as authorized by the "Federal Tort Claims Act".

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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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-21-129 as  
3 follows:

4 **13-21-129. United States as defendant.** NOTWITHSTANDING ANY  
5 OTHER PROVISION OF STATE LAW, THERE ARE NO PREREQUISITES  
6 ESTABLISHED BY STATE LAW, OTHER THAN THOSE APPLICABLE TO A TORT  
7 COMMITTED BY A PARTY OTHER THAN THE UNITED STATES, TO SUE THE  
8 UNITED STATES AS AUTHORIZED BY THE "FEDERAL TORT CLAIMS ACT",  
9 28 U.S.C. SECS. 1346 (b) AND 2671 TO 2680.

10 **SECTION 2. Act subject to petition - effective date -**  
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
12 the expiration of the ninety-day period after final adjournment of the  
13 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
14 2016); except that, if a referendum petition is filed pursuant to section 1  
15 (3) of article V of the state constitution against this act or an item, section,  
16 or part of this act within such period, then the act, item, section, or part  
17 will not take effect unless approved by the people at the general election  
18 to be held in November 2016 and, in such case, will take effect on the  
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to conduct occurring on or after the applicable  
21 effective date of this act.