

Current through all Laws passed and signed in the First Regular and First Extraordinary Sessions of the 71st General Assembly (2017)

- [Colorado Revised Statutes](#)
- [TITLE 3. UNITED STATES](#)
- [JURISDICTION](#)
- [ARTICLE 1.PROPERTY CEDED TO UNITED STATES](#)

3-1-102. Consent to acquire land - when notice required - directive to the attorney general

- **(1)** Except as provided in this section, the consent of the state of Colorado is hereby given, in accordance with section 8 (17) of article I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the state required for custom houses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government; except that consent is not hereby given to the acquisition of, or exclusive jurisdiction over, land sought by the United States department of defense for purposes associated with the expansion of the Pintilde;on Canyon maneuver site. However, before any privately owned land in the state is acquired for any purpose other than for public highways, custom houses, courthouses, post offices, arsenals, or other governmental buildings, the United States shall give written notice of intention to acquire the land to the board of county commissioners of the county wherein the land is situated and to the division of property taxation, which notice shall be given at least sixty days prior to the date of the intended acquisition. If the notice is not given or if the board of county commissioners or the division files with the secretary of state of the state of Colorado within the sixty-day period a request that the acquisition be **considered** by the general assembly of the state of Colorado, then the consent of the state of Colorado shall not be deemed to have been given to the acquisition unless and until the general assembly of the state of Colorado shall have by law specifically consented thereto.
- **(2)** The attorney general of the state of Colorado shall oppose any attempt by the United States department of defense or other unit of federal government to acquire by any means, including purchase or condemnation, state lands for which consent to acquire has been withdrawn pursuant to this section for the expansion of the Pintilde;on Canyon maneuver site pursuant to subsection (1) of this section and section 36-1-123.5, C.R.S. Such opposition shall be made a priority by the attorney general and, whenever feasible, take precedence over any other matters.

History

Source:

L. 07: p. 589, § 1. R.S. 08: § 6900. C.L. § 493. CSA: C. 168, § 2. L. 47: p. 895, § 1. CRS 53: § 142-1-2. L. 63: p. 977, § 1. C.R.S. 1963: § 143-1-2. L. 2007: Entire section amended, p. 681, § 2, effective May 3. L. 2009: Entire section amended, (HB 09-1317), ch. 381, p. 2072, § 1, effective June 2.

▼ Annotations

Notes

Cross references: For the legislative declaration contained in the 2007 act amending this section, see section 1 of chapter 183, Session Laws of Colorado 2007.

Case Notes

ANNOTATION

A state has jurisdiction over all the territory within its borders not reserved in the act of admission. *Robbins v. United States*, 284 F. 39 (8th Cir. 1922).

A state may, by legislative enactment, effectively cede jurisdiction over lands to the government for its purposes, and the acceptance by it will then be presumed. *Robbins v. United States*, 284 F. 39 (8th Cir. 1922); *People v. Sullivan*, 151 Colo. 434, 378 P.2d 633 (1963).

However there is no constitutional principle which compels acceptance by the United States of an exclusive jurisdiction contrary to its own conception of its interest. *People v. Sullivan*, 151 Colo. 434, 378 P.2d 633 (1963).

And this section together with a resolution of the county board were sufficient to cede or transfer through legislative agency, to the federal government, such jurisdiction and control as the state possessed over the highways in a national park. *Robbins v. United States*, 284 F. 39 (8th Cir. 1922).