TITLE 3

UNITED STATES

JURISDICTION

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JURISDICTION

ARTICLE 1

Property Ceded to United States

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3-1-101. Consent to acquisition of lands by United States.

The consent of this state is hereby given to the purchase by the United States of such ground in the city of Denver, or any other city or incorporated town in this state, as its authorities may select, for the accommodation of the United States circuit and district courts, post offices, land offices, mints, or other government offices in said cities or incorporated towns, and also to the purchase by the United States of such other lands within this state as its authorities may from time to time select for the erection of forts, magazines, arsenals, and other needful buildings.

Source: L. 1881: p. 167, § 1. **G.S.** omitted. **R.S. 08:** § 6899. **C.L.** § 492. **CSA:** C. 168, § 1. **CRS 53:** § 142-1-1. **C.R.S. 1963:** § 143-1-1.

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 Piñon 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 Piñon 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.

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.

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.

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).

3-1-103. Jurisdiction of United States over land.

Exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby ceded to the United States for all purposes, except the service of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the said United States shall own such land.

Source: L. 07: p. 589, § 2. **R.S. 08:** § 6901. **C.L.** § 494. **CSA:** C. 168, § 3. **CRS 53:** § 142-1-3. **C.R.S. 1963:** § 143-1-3.

ANNOTATION

The history of the adoption of cl. 17 of § 8 of art. I, U.S. Const. would indicate a desire on the part of the framers to insure uninhibited federal regulatory power within the borders of federal islands. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Colorado being a sovereign state cannot abandon its sovereignty over land situated within its four corners. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The state of Colorado may cede and consent to the acquisition by the United States of exclusive jurisdiction over land acquired by it in Colorado. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The state of Colorado may not go further and compel the United States to accept such jurisdiction and even prescribe when such shall vest in the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

A transfer of exclusive jurisdiction rests upon a grant by the state, through consent or cession. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The cession by a state of "exclusive jurisdiction" creates the same relationship as if there had been a purchase. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

This section merely provides that exclusive jurisdiction over land acquired by purchase or condemnation by the United States in Colorado is ceded or tendered to the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

In section 3-1-104 such exclusive jurisdiction shall not vest, however, prior to the time when the United States shall acquire title thereto. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

A transfer of exclusive jurisdiction rests upon a grant by the state, through consent or cession, and it follows in accordance with familiar principles applicable to grants, that the grant may be accepted or declined. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Therefore the mere fact that the United States needs and acquires property within a state's boundaries does not necessitate the assumption by the government of the burdens incident to an exclusive jurisdiction by acceptance of the state's grant thereof. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The terms of a cession, to the extent that they may lawfully be prescribed, that is, consistently with the carrying out of the purpose of the acquisition, determine the extent of the federal jurisdiction. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

The term "exclusive" is not absolute. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Formerly it was held that acceptance of the cession by the United States was evidenced by its purchase of the land or the performance of other acts manifesting its intention to accept the jurisdiction ceded. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Also, it was held that such acceptance might be presumed. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The land purchased with consent of the state ipso facto fell within the exclusive jurisdiction of the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

In conformity with the rule that the government has power to accept exclusive jurisdiction or less, congress, in order to create a definite method of acceptance of jurisdiction so that all persons could know whether, as to particular property, the government had obtained no jurisdiction at all, or partial jurisdiction, or exclusive jurisdiction, enacted a law providing that United States agencies and authorities may accept exclusive jurisdiction of lands acquired by the United States by filing a notice with the Governor of the state, and that unless and until that is done, it shall be conclusively presumed that no such jurisdiction has been accepted. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The lack of federal responsibility within federal enclaves resulted in recognition at a relatively early time of the doctrine that the state law in force at the time of cession or purchase continues in full force so as to determine private rights within the territory and thus fill the vacuum which would otherwise exist. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

The presumption of United States acceptance of a grant in the absence of evidence of a contrary intent is no longer applicable. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Notice of acceptance is required, whether the United States is to obtain exclusive or concurrent jurisdiction. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

A system of dual authority may be created by agreement between the state and federal government. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Colorado very well may cede or tender exclusive jurisdiction over land to the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Colorado may even go further and declare that there shall be no vesting until the United States actually gets title. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

But Colorado cannot compel the United States to accept exclusive jurisdiction over land acquired by purchase or condemnation. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Until the United States accepts this tender of sovereignty, the state of Colorado retains its jurisdiction to the end that it may enforce its criminal laws within the geographical confines of the land granted. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Generally in order to deprive state courts of criminal jurisdiction over lands ceded to the United States there must be a surrender of jurisdiction by the state and an acceptance by the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Where the federal government has not given notice of acceptance of jurisdiction over land acquired by it in a state, the federal courts are without jurisdiction of prosecution for an alleged crime committed therein although a state statute authorizes the United States to take jurisdiction. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

At least the United States is without exclusive jurisdiction over the offense, and a state may enforce its criminal laws within the area acquired by the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Where on the date an offense was allegedly committed the United States had acquired title to state property but nothing in record indicated that it had accepted exclusive jurisdiction thereover, the state courts were not deprived of jurisdiction of criminal offenses committed

thereon. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Since exclusive legislative jurisdiction of the United States over a military reservation does not operate as an absolute prohibition against state laws, it does not operate to prohibit the payment of relief benefits to a resident of such reservation. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Exclusive jurisdiction does not operate as an absolute prohibition against state laws but has for its purpose protection of the federal sovereignty. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Exclusive jurisdiction does not operate to prohibit the payment of relief benefits to a resident of such reservation. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

The state is not absolutely precluded from exercising power not inconsistent with that of the federal government. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

It seems that state laws passed for the public welfare should be applied to federal enclaves within the state, for the state is best fitted to know the requirements of its particular locality and to deal with them. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Such measures, it appears, would not interfere with the functions of the federal government, but, on the contrary, they furthered the national interest. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Moreover, cl. 17 of § 8 of art. I, U.S. Const. does not operate to prevent or preclude relief payments to a resident of a federal enclave. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

3-1-104. When jurisdiction vests - tax exemption.

The jurisdiction ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the said United States when acquired and no longer, the same shall be and continue exempt and exonerated from all state, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state.

Source: L. 07: p. 589, § 3. **R.S. 08:** § 6902. **C.L.** § 495. **CSA:** C. 168, § 4. **CRS 53:** § 142-1-4. **C.R.S. 1963:** § 143-1-4.

ANNOTATION

This section does not declare when exclusive jurisdiction shall vest after acquiring title. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Section 1-3-103 merely provides that exclusive jurisdiction over land acquired by purchase or condemnation by the United States in Colorado is ceded or tendered to the United States, with the proviso as set forth in this section that such exclusive jurisdiction shall not vest, however, prior to the time when the United States shall acquire title thereto. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

And the fact that there is an outstanding tender of jurisdiction does not divest Colorado of jurisdiction, as Colorado retains jurisdiction unless and until this tender is accepted. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

The acceptance by the United States of a state's grant of land does not ipso facto divest the state of sovereignty and vest exclusive jurisdiction in the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Colorado very well may cede or tender exclusive jurisdiction over land to the United States, and it may even go further and declare that there shall be no vesting until the United States actually gets title. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Colorado cannot compel the United States to accept exclusive jurisdiction over land acquired by purchase or condemnation. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Colorado cannot determine when such exclusive jurisdiction over land acquired by purchase or condemnation should vest in the United States. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

Until the United States accepts this tender of sovereignty, the state of Colorado retains its jurisdiction to the end that it may enforce its criminal laws within the geographical confines of the land granted. People v. Sullivan, 151 Colo. 434, 378 P.2d 633 (1963).

3-1-105. Jurisdiction over Denver public building site ceded.

Exclusive jurisdiction for all purposes, except such as are in this section and section 3-1-107 expressly reserved, over all that tract, piece, or parcel of land situate, lying, and being in the city and county of Denver, in the state of Colorado, known and distinguished as and being lots numbered one, two, three, four, five, six, seven, eight, in block ninety-eight, in the east division of the city and county of Denver, bounded on the northwest by Arapahoe street, on the northeast by Sixteenth street, on the southeast by an alley running from Fifteenth street to Sixteenth street, between Arapahoe and Curtis streets, and on the southwest by the line dividing said lot eight from lot nine in said block, be and hereby is ceded, granted, transferred, conferred, and confirmed unto the United States of America, as a proper site for the erection thereon of a

suitable building for the accommodation of the United States district and circuit courts and other government offices, in the manner and form in this section and section 3-1-107 prescribed, from and after the time when the United States shall become the owner of said tract, and for and during the time the United States shall remain the owner thereof; but, nevertheless, jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said tract, and also to serve and execute thereon, process in criminal cases by state, county, and municipal officers, in respect of offenses, misdemeanors, crimes, and felonies committed outside of said tract is reserved to the state of Colorado.

Source: L. 1883: p. 205, § 1. **G.S.** omitted. **R.S. 08:** § 6903. **C.L.** § 496. **CSA:** C. 168, § 5. **CRS 53:** § 142-1-5. **C.R.S. 1963:** § 143-1-5. **L. 2003:** Entire section amended, p. 908, § 1, effective August 6.

3-1-106. Governor to execute deed.

When the governor of this state shall be advised by the attorney general of the United States or the attorney of the United States for the district of Colorado, that a valid title to the said land for the site of such building has vested in the United States, the said governor shall make, execute, and deliver to the United States of America, a deed, sealed with the great seal of the state of Colorado, and attested by the secretary of state thereof, whose duty it shall be to attest the same, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm such jurisdiction unto the United States of America; but nevertheless therein reserving to this state, jurisdiction for the purposes mentioned in section 3-1-105; and at, from, and after the making, executing, ensealing, attesting, and delivery of such deed, such exclusive jurisdiction shall vest and remain in the United States of America for and during all the time that the United States shall remain the owner of said tract, subject only to the right and jurisdiction for the service and execution of process in sections 3-1-105 to 3-1-107 expressly reserved to this state.

Source: L. 1883: p. 206, § 2. **G.S.** omitted. **R.S. 08:** § 6904. **C.L.** § 497. **CSA:** C. 168, § 6. **CRS 53:** § 142-1-6. **C.R.S. 1963:** § 143-1-6.

3-1-107. Exempt from taxation.

From and after the delivery of such deed of cession, the said site and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon, or thereto belonging, or in any wise appertaining and belonging to the United States, shall be and remain released and

exempt from all tollages, taxes, and assessments of every name and nature for and during the time the United States shall remain the owner thereof.

Source: L. 1883: p. 206, § 3. **G.S.** omitted. **R.S. 08:** § 6905. **C.L.** § 498. **CSA:** C. 168, § 7. **CRS 53:** § 142-1-7. **C.R.S. 1963:** § 143-1-7.

3-1-108. Jurisdiction over Pueblo post office ceded.

Whenever any officer or officers of the United States thereunto duly authorized shall designate or select a tract of sufficient area within the corporate limits of the city of Pueblo as and for the site of a public building, and the title thereto shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the governor of this state shall make, execute, and deliver to the United States of America a deed, sealed with the great seal of the state of Colorado and attested by the secretary of state, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm exclusive jurisdiction for all purposes whatsoever over such tract of land, and all and every part thereof, unto the United States of America; but nevertheless therein reserving to this state jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said tract of land, to serve and execute therein processes in criminal cases by state, county, and municipal officers in respect to offenses, misdemeanors, crimes, and felonious acts committed outside of said tract, and at, from, and after the making, executing, ensealing, attesting, and delivery of such deed, exclusive jurisdiction shall vest in and remain in the United States of America for and during all the time the United States shall remain the owner of said tract, subject only to the state jurisdiction for the service of execution and process reserved to this state over said tract of land so ceded, granted, transferred, confirmed, and conferred unto the United States of America for and during the time the United States shall remain the owner thereof.

Source: L. 1889: p. 48, § 1. **R.S. 08:** § 6906. **C.L.** § 499. **CSA:** C. 168, § 8. **CRS 53:** § 142-1-8. **C.R.S. 1963:** § 143-1-8.

3-1-109. Exempt from taxation.

From and after delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon or thereto belonging, or in any wise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes, and assessments of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1889: p. 49, § 2. **R.S. 08:** § 6907. **C.L.** § 500. **CSA:** C. 168, § 9. **CRS 53:** § 142-1-9. **C.R.S. 1963:** § 143-1-9.

3-1-110. Jurisdiction over Leadville post office ceded.

Whenever any officer or officers of the United States thereunto duly authorized, shall designate or select a tract of sufficient area within the corporate limits of the city of Leadville as and for the site of a public building, and the title thereto shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the governor of this state shall make, execute, and deliver to the United States of America a deed, sealed with the great seal of the state of Colorado and attested by the secretary of state, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm exclusive jurisdiction for all purposes whatsoever over such tract of land, and all and every part thereof, unto the United States of America; but, nevertheless, therein reserving to this state, jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said tract of land, to serve and execute therein processes in criminal cases by state, county, and municipal officers in respect to offenses, misdemeanors, crimes, and felonious acts committed outside of said tract, and at, from, and after the making, executing, ensealing, attesting, and delivery of such deed, exclusive jurisdiction shall vest in and remain in the United States of America for and during all the time the United States shall remain the owner of said tract, subject only to the state jurisdiction for the service of execution and process reserved to this state over said tract of land so ceded, granted, transferred, confirmed, and conferred unto the United States of America for and during the time the United States shall remain the owner thereof.

Source: L. 1891: p. 57, § 1. **R.S. 08:** § 6908. **C.L.** § 501. **CSA:** C. 168, § 10. **CRS 53:** § 142-1-10. **C.R.S. 1963:** § 143-1-10.

3-1-111. Exempt from taxation.

From and after delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon or thereto belonging, or in any wise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes, and assessments of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1891: p. 58, § 2. **R.S. 08:** § 6909. **C.L.** § 502. **CSA:** C. 168, § 11. **CRS 53:** § 142-1-11. **C.R.S. 1963:** § 143-1-11.

3-1-112. Jurisdiction over Colorado Springs post office ceded.

Whenever any officer or officers of the United States thereunto duly authorized, shall designate or select a tract of land of sufficient area within the corporate limits of the city of Colorado Springs, in the state of Colorado, as and for the site of a public building of the United States, and the title to the said tract of land shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the governor of this state, when he shall be advised by the attorney general of the United States, or the attorney of the United States for the district of Colorado, that a valid title to the said land is vested in the United States, shall make, execute, and deliver to the United States of America a deed, sealed with the great seal of the state of Colorado and attested by the secretary of state of this state, whose duty it shall be to attest the same, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm exclusive jurisdiction for all purposes whatsoever over such tract of land, and all and every part thereof, unto the United States of America; the United States of America shall remain the owner of said tract of land, subject only to the state jurisdiction for the service of execution and process reserved to this state over said tract of land so ceded, granted, transferred, confirmed, and conferred unto the United States of America for and during the time the United States of America shall remain the owner thereof.

Source: L. 01: p. 398, § 1. **R.S. 08:** § 6910. **C.L.** § 503. **CSA:** C. 168, § 12. **CRS 53:** § 142-1-12. **C.R.S. 1963:** § 143-1-12.

3-1-113. Exempt from taxation.

From and after the delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon or thereto belonging, or in any wise appertaining and belonging to the United States of America, shall be and remain released and exempt from all tollages, taxes, and assessments of every name, nature, character, and description, for and during the time the United States of America shall remain the owner thereof.

Source: L. 01: p. 399, § 2. **R.S. 08:** § 6911. **C.L.** § 504. **CSA:** C. 168, § 13. **CRS 53:** § 142-1-13. **C.R.S. 1963:** § 143-1-13.

3-1-114. Jurisdiction over Denver mint site ceded.

Whenever any officer or officers of the United States thereunto duly authorized, shall designate or select a tract of land within the corporate limits of the city of Denver as and for the site of a public building for a United States mint, and the title thereto shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the governor of this state shall make, execute, and deliver to the United States of America a deed, sealed with the great seal of the state of Colorado, and attested by the secretary of state, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm exclusive jurisdiction for all purposes whatsoever over such tract of land, and all and every part thereof unto the United States of America; but, nevertheless, therein reserving to the state of Colorado jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said tract of land, to serve and execute therein processes in criminal cases by state, county, and municipal officers in respect to offenses, misdemeanors, crimes, and felonious acts committed outside of said tract, and at, from, and after the making, executing, ensealing, attesting, and delivery of such deed, exclusive jurisdiction shall vest in and remain in the United States of America for and during all the time the United States shall remain the owner of said tract of land, subject only to the state jurisdiction for the service of execution and process reserved to this state over said tract of land so ceded, granted, transferred, confirmed, and conferred unto the United States of America for and during the time the United States of America shall remain the owner thereof.

Source: L. 1895: p. 216, § 1. **R.S. 08:** § 6912. **C.L.** § 505. **CSA:** C. 168, § 14. **CRS 53:** § 142-1-14. **C.R.S. 1963:** § 143-1-14.

3-1-115. Exempt from taxation.

From and after delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon or thereto belonging, or in any wise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes, and assessments of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1895: p. 217, § 2. **R.S. 08:** § 6913. **C.L.** § 506. **CSA:** C. 168, § 15. **CRS 53:** § 142-1-15. **C.R.S. 1963:** § 143-1-15.

3-1-116. Jurisdiction of Fort Lewis ceded.

The exclusive jurisdiction for all purposes, except such as are in sections 3-1-116 to 3-1-118 expressly reserved, over and all that tract, piece or parcel of land known as Fort Lewis, in the state of Colorado, known and described as follows, to wit: Beginning at a post marked "O.M.U.S.M.R.", on the northern boundary of the Southern Ute Indian reservation, due south nine thousand two hundred and sixty-nine feet from the southwest corner of section thirty-five, township thirty-five north, of range eleven west, of the New Mexican principal meridian; thence south eighty-eight degrees, twenty minutes west along said Ute line four miles; thence due north five miles; thence due east five miles; thence due north one mile; thence due east five miles; thence due south five miles, three thousand seven hundred and sixty-six feet to said Ute line; thence south eighty-eight degrees, twenty-five minutes west along said Ute line, three miles; thence south eighty-eight degrees twenty minutes west along said Ute line, three miles, to the place of beginning, excepting therefrom all sections, and parts of same, and all lands and parts of same, now filed or entered, the titles to which have been, or may be perfected by the present claimants, their heirs and assigns, all bearings from the true meridian, be and hereby is ceded, granted, transferred, conferred, and confirmed unto the United States of America, for and during the time the United States shall remain the owner thereof; but, nevertheless, jurisdiction to serve the civil process of state, county, and municipal courts and tribunals, within said tract, and also to serve and execute thereon process in criminal cases, by state, county, and municipal officers, in respect of offenses, misdemeanors, crimes, and felonies committed outside of said tract, is reserved to the state of Colorado.

Source: L. 1885: p. 270, § 1. **R.S. 08:** § 6914. **C.L.** § 507. **CSA:** C. 168, § 16. **CRS 53:** § 142-1-16. **C.R.S. 1963:** § 143-1-16.

Cross references: For establishment of Fort Lewis college on this property, see part 1 of article 52 of title 23.

3-1-117. Governor to execute deed.

The governor of this state shall make, execute, and deliver to the United States of America, a deed, sealed with the great seal of the state of Colorado, and attested by the secretary of state thereof, whose duty it shall be to attest the same, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm such jurisdiction unto the United States of America, but nevertheless therein reserving to this state jurisdiction for the purposes mentioned in the last preceding section; and at, from, and after the making, executing, ensealing, attesting, and delivery of such deed, such exclusive jurisdiction shall vest and remain

in the United States of America, for and during all the time that the United States shall remain the owner of said tract, subject only to the right and jurisdiction for the service and execution of process in sections 3-1-116 to 3-1-118 expressly reserved to this state.

Source: L. 1885: p. 271, § 2. **R.S. 08:** § 6915. **C.L.** § 508. **CSA:** C. 168, § 17. **CRS 53:** § 142-1-17. **C.R.S. 1963:** § 143-1-17.

3-1-118. Exempt from taxation.

From and after the delivery of such deed of cession, the said site, and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon, or thereto belonging, or in any wise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes, and assessments, of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1885: p. 271, § 3. **R.S. 08:** § 6916. **C.L.** § 509. **CSA:** C. 168, § 18. **CRS 53:** § 142-1-18. **C.R.S. 1963:** § 143-1-18.

3-1-119. Jurisdiction of Fort Logan ceded.

Whenever any officer or officers of the United States, thereunto duly authorized, shall designate or select a tract of six hundred and forty acres of land at or near the city of Denver, in the state of Colorado, as and for the site of a military post, and the title thereto shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the governor of this state shall make, execute, and deliver to the United States of America a deed, sealed with the great seal of the state of Colorado, and attested by the secretary of state, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm exclusive jurisdiction for all purposes whatsoever, over such tract of land, and all and every part thereof, unto the United States of America; but nevertheless, therein reserving to this state jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said tract of lands; to serve and execute therein processes in criminal cases by state, county, and municipal officers in respect to offenses, misdemeanors, crimes, and felonious acts committed outside of said tract, and at, from and after the making, executing, ensealing, attesting, and delivery of such deed, exclusive jurisdiction shall vest in and remain in the United States of America, for and during all the time the United States shall remain the owner of said tract, subject only to the state jurisdiction for the service of execution and process reserved to this state over said tract of land so ceded, granted, transferred, confirmed, and

conferred unto the United States of America, for and during the time the United States shall remain the owner thereof.

Source: L. 1887: p. 339, § 1. **R.S. 08:** § 6920. **C.L.** § 513. **CSA:** C. 168, § 22. **CRS 53:** § 142-1-22. **C.R.S. 1963:** § 143-1-22.

Cross references: For acquisition of portions of this property by the state for the mental health institute at Fort Logan, see § 25-1-117; for establishment of the mental health institute at Fort Logan, see article 94 of title 27.

ANNOTATION

The deed ceding land to the United States for a military post later called Fort Logan was signed on June 14, 1887. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

The deed went beyond the language of this section in that it contained an additional provision that any property on the post should remain released and exempt from all tollages, taxes and assessments of every name and nature for and during the time the United States shall remain the owner thereof. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

In view of the fact that "exclusive legislative" jurisdiction does not operate as an absolute prohibition against state laws but has for its purpose protection of federal sovereignty, the Supreme Court concludes that it does not operate to prohibit the payment of relief under § 26-3-101 itself to a resident of Fort Logan. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

There is no clear conflict between the terms of § 26-3-101 and the exercise of necessary functions in carrying out the relief program, in the light of the geographical location of the federal enclave, Fort Logan. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

The conferring of a benefit required by federal law cannot be construed as an act which undermines the federal sovereignty. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

Indeed by paying relief in these circumstances, the federal policy to recognize citizens of the United States is fostered and promoted. Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

3-1-120. Exempt from taxation.

From and after delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels, and property at any time thereon or thereto belonging, or in any wise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes, and assessments, of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1887: p. 340, § 2. **R.S. 08:** § 6921. **C.L.** § 514. **CSA:** C. 168, § 23. **CRS 53:** § 142-1-23. **C.R.S. 1963:** § 143-1-23.

3-1-121. Jurisdiction of land for enlargement of Fort Logan ceded.

The consent of the state of Colorado is hereby given to the purchase by the United States, for the enlargement of the military reservation of Fort Logan in the county of Arapahoe in this state, of the west half of the northeast quarter of the southwest quarter of section five and north half of section seven, all in township five south, range sixty-eight west, of the sixth principal meridian, containing about three hundred and forty acres; and exclusive jurisdiction is ceded thereover for all purposes whatsoever; and the consent of the state of Colorado is further given to the purchase by the United States, for the purpose of a target range for Fort Logan, Colorado, of the east half of section twenty and all of section twenty-nine, township six south, range sixty-six west, of the sixth principal meridian in the county of Douglas in this state, containing an area of about nine hundred and sixty acres; and exclusive jurisdiction is ceded thereover for all purposes whatsoever; but the consent and cessions herein given are subject to the reservation by the state of jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said lands; and to serve and execute thereon process in criminal cases by the state, county, and municipal officers in respect to offenses, misdemeanors, crimes, and felonious acts committed outside of said tract.

Source: L. 09: p. 440, § 1. **C.L.** § 515. **CSA:** C. 168, § 24. **CRS 53:** § 142-1-24. **C.R.S. 1963:** § 143-1-24.

ANNOTATION

Applied in Bd. of County Comm'rs v. Donoho, 144 Colo. 321, 356 P.2d 267 (1960).

3-1-122. Jurisdiction of Uncompahgre cantonment ceded.

Exclusive jurisdiction for all except such as are in sections 3-1-122 to 3-1-124 expressly reserved, over all that tract, piece, or parcel of land known as the cantonment on the Uncompahgre river, in the state of Colorado, known and described as follows: Beginning at the flagstaff on said cantonment, and running thence north sixty-one degrees, four minutes east eighty-six chains, to a point on the eastern boundary; thence north thirty-three degrees west three hundred and twenty-five and thirty-one one-hundredths chains, to the north corner; thence south fifty-seven degrees west and one hundred and seventy-six and sixty-four hundredths chains, to the west corner; thence south thirty-three degrees east four hundred and sixty-nine and fifty hundredths chains to the south corner; thence north fifty-seven degrees east one hundred and seventy-six and sixty-four hundredths chains, to the east corner; thence west one hundred and forty-four and nineteen hundredths chains, to the first mentioned point on the boundary, completing the rectangle, and containing an area of about twelve and ninety-six one-hundredths square miles, or eight thousand two hundred and ninety-three and twenty-five one-hundredths acres. The bearings are true, variation of the needle, December, 1880, fourteen degrees forty-five minutes east; be, and hereby is, ceded, granted, transferred, conferred, and confirmed unto the United States of America, for and during the time the United States shall remain the owner thereof; but, nevertheless, jurisdiction to serve the civil process of state, county, and municipal courts and tribunals, within said tract, and also to serve and execute thereon process in criminal cases by state, county, and municipal officers, in respect of offenses, misdemeanors, crimes, and felonies committed outside of the said tract, is reserved to the state of Colorado.

Source: L. 1885: p. 272, § 1. **R.S. 08:** § 6922. **C.L.** § 516. **CSA:** C. 168, § 25. **CRS 53:** § 142-1-25. **C.R.S. 1963:** § 143-1-25.

3-1-123. Governor to execute deed.

The governor of this state shall make, execute, and deliver to the United States of America, a deed, sealed with the great seal of the state of Colorado, and attested by the secretary of state thereof, whose duty it shall be to attest the same, containing apt, meet, and proper words, clauses, and covenants, to fully cede, give, grant, transfer, confer, and confirm such jurisdiction unto the United States of America; but, nevertheless, therein reserving to this state jurisdiction for the purposes mentioned in the last preceding section; and at, from, and after the making, executing, ensealing, attesting, and delivery of such deed, such exclusive jurisdiction shall vest and remain in the United States of America for and during all the time that the United States shall remain the owner of said tract, subject only to the right and jurisdiction for the service and execution of process in sections 3-1-122 to 3-1-124 expressly reserved to this state.

Source: L. 1885: p. 273, § 2. **R.S. 08:** § 6923. **C.L.** § 517. **CSA:** C. 168, § 26. **CRS 53:** § 142-1-26. **C.R.S. 1963:** § 143-1-26.

3-1-124. Exempt from taxation.

From and after the delivery of such deed of cession, the said site and erections, structures, buildings, fixtures, goods, chattels, and property, at any time thereon or thereto belonging or in any wise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes, and assessments, of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1885: p. 273, § 3. **R.S. 08:** § 6924. **C.L.** § 518. **CSA:** C. 168, § 27. **CRS 53:** § 142-1-27. **C.R.S. 1963:** § 143-1-27.

3-1-125. Jurisdiction over land for Indian school ceded.

Exclusive jurisdiction, for all purposes except such as are in sections 3-1-125 to 3-1-127 expressly reserved over all that tract, piece or parcel of land, situated near Grand Junction, in the county of Mesa, in the state of Colorado, known and described as follows: Commencing at the southeast corner of the southwest quarter section eighteen, township one, south of range one, east of the Ute meridian; thence running east along the south line of said section eighteen, seventy rods; thence north eighty rods, more or less, to the north line of the southwest quarter of the southeast quarter of said section eighteen; thence west seventy rods, to the east line of the southwest quarter of said section eighteen; thence south eighty rods, more or less, to the place of beginning; being the west thirty-five acres of south half of the southeast quarter of section eighteen, township one, south of range one, east of the Ute meridian, and adjoining the lands of the United States used for an Indian school, and as an addition thereto, for like use, be and hereby is ceded, granted, transferred, conferred, and confirmed unto the United States of America, from and after the time when the United States shall become the owner of said tract, for and during the time the United States shall remain the owner thereof; but, nevertheless, jurisdiction to serve the civil process of state, county, and municipal courts and tribunals, within said tract, and also to serve and execute thereon process in criminal cases, by state, county, and municipal officials, in respect of offenses, misdemeanors, crimes, and felonies, committed outside of said tract, is reserved to the state of Colorado.

Source: L. 1891: p. 55, § 1. **R.S. 08:** § 6925. **C.L.** § 519. **CSA:** C. 168, § 28. **CRS 53:** § 142-1-28. **C.R.S. 1963:** § 143-1-28.

3-1-126. Governor to execute deed.

When the governor of this state shall be advised by the attorney general of the United States, or the attorney of the United States for the district of Colorado, that a valid title to the said land is vested in the United States, the said governor shall make, execute, and deliver to the United States of America a deed sealed with the great seal of the state of Colorado, and attested by the secretary of state thereof, whose duty it shall be to attest the same, containing apt, meet, and proper words, clauses, and covenants to fully cede, give, grant, transfer, confer, and confirm such jurisdiction unto the United States of America; but, nevertheless, therein reserving to the state of Colorado jurisdiction for the purposes mentioned in the last preceding section, and at, from, and after the making, executing, ensealing, attesting, and delivering of said deed, such exclusive jurisdiction shall vest and remain in the United States of America for and during all the time that the United States shall remain the owner of said tract, subject only to the right and jurisdiction for the service and execution of process in sections 3-1-125 to 3-1-127 expressly reserved to the state of Colorado.

Source: L. 1891: p. 56, § 2. **R.S. 08:** § 6926. **C.L.** § 520. **CSA:** C. 168, § 29. **CRS 53:** § 142-1-29. **C.R.S. 1963:** § 143-1-29.

3-1-127. Exemption from taxation.

From and after the delivery of such deed of cession, the said tract and all erections, structures, buildings, fixtures, goods, chattels, and property, at any time thereon or thereto belonging or in any wise appertaining and belonging to the United States, shall be and remain exempt from tollages, taxes, and assessments of every name and nature, for and during the time the United States shall remain the owner thereof.

Source: L. 1891: p. 57, § 3. **R.S. 08:** § 6927. **C.L.** § 521. **CSA:** C. 168, § 30. **CRS 53:** § 142-1-30. **C.R.S. 1963:** § 143-1-30.

3-1-128. State canal number three released.

The state of Colorado hereby releases and relinquishes to the United States of America all of its right, title, and interest in and to state canal number three and all rights and privileges

acquired in connection therewith, and the board of control of said state canal number three is hereby directed, upon the acceptance of the United States government, through such lawful means as said government shall determine, of the benefits of this section and the next succeeding section, and by its taking over the said canal, to release, relinquish, and convey to the said United States government, or to such body or board as may be created by the congress of the United States to take over and complete said canal, all right, title, claim, and interest of the state of Colorado and of said board of control of state canal number three in and to the said canal and tunnel, and all rights, privileges, and authority in connection therewith, and to any and all things necessary and proper to fully and completely turn over to the United States government, or to any body or board so created by it, the property, rights, and privileges herein referred to, such release, relinquishment, and conveyance to be made without cost to the United States government; all to the end that the United States government may have full and complete authority to construct, maintain, operate, and dispose of said canal and any and all water and rights in connection therewith.

Source: L. 03: p. 292, § 1. **R.S. 08:** § 6928. **C.L.** § 522. **CSA:** C. 168, § 31. **CRS 53:** § 142-1-31. **C.R.S. 1963:** § 143-1-31.

3-1-129. Board to report. (Repealed)

Source: L. 03: p. 292, § 2. **R.S. 08:** § 6929. **C.L.** § 523. **CSA:** C. 168, § 32. **CRS 53:** § 142-1-32. **C.R.S. 1963:** § 143-1-32. **L. 96:** Entire section repealed, p. 554, § 1, effective April 24.

3-1-130. Rocky Mountain National Park.

(1) Exclusive jurisdiction shall be and the same is hereby ceded to the United States of America over and within all of the territory which is now included in that tract of land in the state of Colorado set aside and dedicated for park purposes by the United States, known as the Rocky Mountain National Park, saving, to the state of Colorado to the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the said state the right to tax persons and corporations, their franchises and property on the lands included in said tracts, and saving, also, to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the United States and saving to the people of Colorado all vested, appropriated, and existing water

rights and rights-of-way connected therewith, including all existing irrigation conduits and ditches; but jurisdiction shall not vest in the United States now or hereafter over any lands included within said park until the United States, through its proper officers, notifies the state of Colorado, through its governor, that the United States assumes police jurisdiction over the respective tracts involved.

(2) Exclusive jurisdiction is hereby ceded to the United States over and within all the territory added since February 19, 1929, to that tract of land in the state of Colorado set aside and dedicated for park purposes by the United States, known as the Rocky Mountain National Park; saving, to the state of Colorado all criminal and civil jurisdiction over the existing sixty feet in width right-of-way of the westbound traffic lanes of state highway No. 262, also known as the Moraine Park road, and a strip of land thirty feet to either side of the center line of the eastbound traffic lanes lying south of the westbound traffic lanes of said state highway No. 262, together with the connecting roads between the eastbound and westbound traffic lanes of said highway, as rerouted and constructed by the United States where such lie within the boundaries of aforesaid National Park in the northwest quarter of section 35, township 5 north, range 73 west of the 6th p.m.; also, saving to the state of Colorado the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving to the state the right to tax persons and corporations, their franchises and property on lands included in the added tracts, and saving to persons residing in said park the right to vote at all elections held within the county or counties in which the tracts are situated, and saving to all persons residing within the park upon lands now privately owned within the addition to the park, access to and from such lands, and all rights and privileges as citizens of the United States, and saving to the people of Colorado all vested, adjudicated, appropriated, and existing water rights and rights-of-way connected therewith, including all existing domestic or irrigation conduits and ditches; but jurisdiction shall not vest in the United States now or hereafter over any lands included within said park until the United States, through its proper officers, notifies the state, through its governor, that the United States assumes police jurisdiction over the respective tracts involved.

Source: L. 29: p. 475, § 1. **CSA:** C. 168, § 33. **CRS 53:** § 142-1-33. **L. 61:** p. 837, § 1. **C.R.S. 1963:** § 143-1-33.

ANNOTATION

Rights of private condemnation not reserved. When jurisdiction over Rocky Mountain National Park was ceded to the federal government, rights of private condemnation were not reserved. United States v. 161 Acres of Land, 427 F. Supp. 582 (D. Colo. 1977).

As to valuation of condemned 161-acre landlocked track surrounded by Rocky Mountain National Park, see United States v. 161 Acres of Land, 427 F. Supp. 582 (D. Colo. 1977).

3-1-131. Mesa Verde National Park.

Exclusive jurisdiction shall be and the same is hereby ceded to the United States over and within all the territory which is now or may hereafter be included in that tract of land in the state of Colorado set aside and dedicated for park purposes by the United States, known as Mesa Verde National Park, saving, however, to the state of Colorado the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the said state the right to tax persons and corporations, their franchises and property on the lands included in said tracts, and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; but jurisdiction shall not vest in the United States now or hereafter over any lands included within said park until the United States, through its proper officer, notifies the state of Colorado, through its governor, that the United States assumes police jurisdiction over the respective tracts involved.

Source: L. 27: p. 481, § 1. **CSA:** C. 168, § 34. **CRS 53:** § 142-1-34. **C.R.S. 1963:** § 143-1-34.

ANNOTATION

Bare legal title in the United States is not conclusive evidence that the Mesa Verde Company is not "owner" of improvements in Mesa Verde Nat'l Park for tax purposes. Mesa Verde Co. v. Bd. of County Comm'rs, 178 Colo. 49, 495 P.2d 229 (1972).

Whatever indicia of ownership the United States possesses over property is merely by way of collateral security for performance of conditions, such property is not owned by the United States and is not exempt from taxation. Mesa Verde Co. v. Bd. of County Comm'rs, 178 Colo. 49, 495 P.2d 229 (1972).

Where a party has the right to possession, use, enjoyment, and profits of the property, that party should not be permitted to use the bare legal title of the government to avoid his fair and just share of state taxation. Mesa Verde Co. v. Bd. of County Comm'rs, 178 Colo. 49, 495 P.2d 229 (1972).

3-1-132. Air corps technical school - Denver.

(1) to (3) Repealed.

(4) (a) The state of Colorado hereby accepts the relinquishment of legislative jurisdiction from the United States of America over the real property comprising Lowry Air Force base, formerly a branch of the air corps technical school located in Denver.

(b) The transfer of legislative jurisdiction shall be effective upon acceptance by the governor of the notice of relinquishment filed by the secretary of the Air Force pursuant to 10 U.S.C. sec. 2683. The governor shall notify the office of legislative legal services of the date of such acceptance.

(c) Repealed.

Source: L. 39: pp. 467, 468, §§ 1-3. **CSA:** omitted. **CRS 53:** § 142-1-35. **L. 55:** p. 931, § 1. **C.R.S. 1963:** § 143-1-35. **L. 94:** (4) added, p. 648, § 1, effective April 14. **L. 2013:** (4) (c) repealed, (HB 13-1300), ch. 316, p. 1662, § 5, effective August 7.

Editor's note: Subsection (4)(c) provided for the repeal of subsections (1) to (3), effective on the date of the transfer of legislative jurisdiction, May 1, 1994.

ANNOTATION

By this section, the general assembly ceded jurisdiction over Lowry Air Force Base to the United States. United States Fid. & Guar. Co. v. District Court, 143, Colo. 434, 353 P.2d 1093 (1960).

3-1-133. Acceptance of jurisdiction over Fort Lyon - repeal. (Repealed)

Source: L. 67: p. 7, § 1. **C.R.S. 1963:** § 143-1-36. **L. 2011:** (2) added by revision, (SB 11-214), ch. 147, pp. 511, 513, §§ 1, 4.

Editor's note: Subsection (2) provided for the repeal of this section, effective March 1, 2012. (See L. 2011, pp. 511, 513.)

3-1-134. Consent to acquisition of land for certain purposes.

Consent of the state of Colorado is hereby given for the acquisition by the United States of such lands in the state of Colorado as in the opinion of the secretary of agriculture of the United States may be needed for streamflow protection, production of timber, erosion control, and related purposes, by exchange of lands in the state of Colorado administered under the "Weeks Law", subject to the right of the state to cause its civil and criminal processes to be executed on such lands and to punish offenses against the laws of this state committed on lands so acquired, except that before any lands owned by the state of Colorado may be exchanged under the provisions of this article, said exchange or exchanges must be approved by the state board of land commissioners or the executive director of the department of natural resources.

Source: L. 70: p. 425, § 1. **C.R.S. 1963:** § 143-1-37.

Cross references: For the text to "Weeks Law" referred to in this section, see 16 U.S.C. secs. 480, 500, 515 to 519, 521, 552, and 563.

3-1-135. United States Army Garrison, Fitzsimons - Aurora - acceptance of jurisdiction.

The state of Colorado hereby accepts the relinquishment of legislative jurisdiction from the United States of America over the real property comprising the United States Army Garrison, Fitzsimons, located in the city of Aurora. The transfer of legislative jurisdiction shall be effective upon acceptance by the governor of the notice of relinquishment filed by the secretary of the Army pursuant to 10 U.S.C. sec. 2683. The governor shall notify the office of legislative legal services of the date of such acceptance. The state shall not incur or assume any liability as a result of accepting the relinquishment of legislative jurisdiction pursuant to this section.

Source: L. 97: Entire section added, p. 9, § 1, effective March 13.

3-1-136. Jurisdiction for land located in Buckley Air Force base.

(1) Except as provided in subsections (3) and (4) of this section, the state of Colorado cedes jurisdiction to the United States over property known as Tract 100 within the confines of federally-owned property known as Buckley Air Force base situated in section nine, township four south, range sixty-six west of the sixth principal meridian, Arapahoe county, Colorado.

(2) Cessation of the state's jurisdiction over such property shall be under the same terms and conditions as for other property within the Buckley Air National Guard base previously conveyed by the state, including the retention of the right to serve all civil and criminal process within the boundaries of such property. The retention of such right shall continue so long as the United States shall own such property.

(3) (a) (I) The state of Colorado hereby cedes concurrent legislative jurisdiction under the laws of the state to the United States over the following tract of land situated in the Buckley Air Force base: Parcel I: A parcel of land situated in the Southwest one-quarter of Section 9, Township 4 South, Range 66 West of the 6th Principal Meridian, City of Aurora, County of Arapahoe, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of said Section 9, whence the West One-Quarter corner of said Section 9 bears North 00°26'25" West, a distance of 2642.40 feet, said line forming the Basis of Bearings for this description; Thence North 00°26'25" West along the west line of said Southwest One-Quarter of Section 9 a distance of 960.90 feet to the Point of Beginning;

Thence continuing North 00°26'25" West along said west line of the Southwest One-Quarter a distance of 696.00 feet;

Thence North 89°36'05" East a distance of 1641.34 feet;

Thence South 00°25'35" East a distance of 1669.69 feet to a point on the south line of said Southwest One-Quarter of section 9;

Thence North 45°16'27" West a distance of 631.35 feet;

Thence North 74°26'25" West a distance of 431.97 feet;

Thence North 43°26'25" West a distance of 558.00 feet;

Thence South 89°33'35" West a distance of 400.00 feet to the Point of Beginning.

(II) Parcel I is also described as: Township Four South (T42), Range Sixty-Six West (R66W) of the Sixth Principal Meridian Section Nine (9): A tract of land situated in the SW1/4 being more particularly described as follows:

Commencing at the Southwest corner of said Section 9 also being a point on the centerline of South Airport Blvd.:

Thence North 00°01'13" East, along the West line of said Section 9, a distance of 961.37 feet to the POINT OF BEGINNING;

Thence continuing North 00°01'13" East, along said west line of said section 9, a distance of 696.00 feet;

Thence North 89°56'13" East, a distance of 1641.34 feet;

Thence South 00°05'27" East, a distance of 1669.72 feet to the south line of said SE1/4 of Section 9;

Thence North 44°56'19" West, a distance of 631.32 feet;

Thence North 74°06'17" West, a distance of 432.00 feet;

Thence North 43°06'17" West, a distance of 558.00 feet;

Thence South 89°53'43", a distance of 400.00 feet, to the POINT OF BEGINNING.

(b) The concurrent legislative jurisdiction ceded in this subsection (3) is vested upon acceptance by the United States through its appropriate officials and shall continue for as long as the United States owns the property.

(c) The state of Colorado retains concurrent jurisdiction, both civil and criminal, with the United States over all property specified in paragraph (a) of this subsection (3).

(4) (a) The state of Colorado hereby accepts the relinquishment of exclusive federal legislative jurisdiction from the United States over the following tract of land situated in the Buckley Air Force base: Parcel II: A parcel of land situated in the South one-half of Section 9, Township 4 South, Range 66 West of the 6th Principal Meridian, City of Aurora, County of Arapahoe, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of said Section 9, whence the West One Quarter corner of said Section 9 bears North 00°26'25" West a distance of 2642.40 feet, said line forming the Basis of Bearings for this description;

Thence South 89°57'07" East along the south line of the Southwest One-Quarter of said Section 9 a distance of 55.00 feet;

Thence North 00°26'25" West along the easterly Right-of-Way line of South Airport Boulevard and along a line 55.00 feet easterly of and parallel with the west line of said Southwest One-Quarter of Section 9 a distance of 1657.33 feet; thence North 89°36'05" East along the northerly boundary line of a parcel of land described in Reception number B3051785 of the Arapahoe County records a distance of 1586.34 feet to the northeast corner of said parcel of land and the Point of Beginning;

Thence North 89°36'05" East a distance of 443.58 feet;

Thence South 00°26'58" East a distance of 458.60 feet to a point of curvature;

Thence along the arc of a curve to the left, concave northeasterly, having a central angle of 90°44'52" and a radius of 285.16 feet a distance of 451.65 feet (chord of said curve bears South 45°49'24" East a distance of 405.90 feet);

Thence North 88°48'10" East a distance of 291.11 feet;

Thence South 00°41'49" East along a line 10.91 feet easterly of and parallel with the east line of said Southwest One-Quarter of Section 9 a distance of 938.29 feet;

Thence South 89°59'48" West along the south line of the Southeast One-Quarter of said Section 9 a distance of 10.91 feet to the South One-Quarter corner of said Section 9;

Thence North 89°57'07" West along said south line of the Southwest One-Quarter of Section 9 a distance of 1017.39 feet to the southeast corner of said parcel of land described at Reception No. B3051785 of the Arapahoe County Records;

Thence North 00°25'35" West along the easterly boundary line of said parcel of land described in Reception No. B3051785 a distance of 1669.69 feet to said northeast corner of said parcel of land and to the Point of Beginning.

(b) The state of Colorado shall have concurrent legislative jurisdiction with the United States of the property indicated in paragraph (a) of this subsection (4) for as long as the United States owns the property.

(c) The concurrent legislative jurisdiction created by this subsection (4) over the property indicated in paragraph (a) of this subsection (4) shall take effect upon acceptance by the governor of a notice filed by the secretary of the Air Force pursuant to 10 U.S.C. sec. 2683, as amended, relinquishing exclusive federal legislative jurisdiction and retaining concurrent legislative jurisdiction over the property. Upon receipt of the notice, the governor shall notify the revisor of statutes in writing of the date of acceptance of the notice.

(d) The state of Colorado shall not incur or assume any liability as a result of accepting concurrent legislative jurisdiction pursuant to this subsection (4).

(e) Upon request by the United States through its appropriate officials, the governor is authorized to execute the appropriate documents to accomplish the retrocession granted in this subsection (4).

Source: L. 2000: Entire section added, p. 1685, § 2, effective August 2. **L. 2006:** (1) amended and (3) and (4) added, p. 66, § 1, effective March 27.

Cross references: For the legislative declaration contained in the 2000 act enacting this section, see section 1 of chapter 346, Session Laws of Colorado 2000.

3-1-137. Severability.

If any provision of this article is held invalid, such invalidity shall not affect other provisions of this article that can be given effect without such invalid provision.

Source: L. 2009: Entire section added, (HB 09-1317), ch. 381, p. 2073, § 2, effective June 2 .

ARTICLE 2

Jurisdiction Reserved by State

3-2-101. State jurisdiction over Indian reservations and federally controlled properties for school district purposes.

3-2-101. State jurisdiction over Indian reservations and federally controlled properties for school district purposes.

The state of Colorado hereby accepts jurisdiction over the territory of all Indian reservations, which is situated within the state, for the purpose of such territory, or any portion thereof, being included within one or more school districts and local college districts. The state of Colorado hereby reserves jurisdiction over all federally owned or controlled territory within the state, in all instances wherein such reserved jurisdiction may be so construed in accordance with the terms of the grants or agreements heretofore or hereafter made to or with the federal government, for the purpose of such territory, or any portion thereof, being included within one or more school districts and local college districts.

Source: L. 63: p. 979, § 1. **C.R.S. 1963:** § 143-2-1.

ARTICLE 3

Concurrent Jurisdiction

3-3-101. Concurrent jurisdiction of the United States over certain lands dedicated to national park purposes.

3-3-102. Concurrent jurisdiction of the United States over certain lands dedicated to the Piñon Canyon maneuver site in Las Animas county.

3-3-103. United States Air Force academy - El Paso county - concurrent jurisdiction.

3-3-104. Rocky Mountain arsenal - Adams county - concurrent jurisdiction.

3-3-105. Pueblo chemical depot - concurrent jurisdiction - legislative declaration.

3-3-106. United States military installations - concurrent jurisdiction - legislative declaration.

3-3-101. Concurrent jurisdiction of the United States over certain lands dedicated to national park purposes.

(1) Concurrent legislative jurisdiction under the laws of this state is ceded to the United States over and within all the lands dedicated to national park purposes in the following tracts:

(a) Bent's Old Fort National Historic Site;

(b) Black Canyon of the Gunnison National Park;

(c) Colorado National Monument;

(d) Curecanti National Recreation Area;

(e) Dinosaur National Monument;

(f) Florissant Fossil Beds National Monument;

(g) Great Sand Dunes National Monument or the Great Sand Dunes National Park upon the establishment of that park by the secretary of the interior of the United States in accordance with the federal "Great Sand Dunes National Park and Preserve Act of 2000", Pub.L. 106-530;

(g.5) Great Sand Dunes National Preserve;

(h) Hovenweep National Monument;

(i) Yucca House National Monument.

(2) The concurrent jurisdiction ceded by subsection (1) of this section is vested upon acceptance by the United States by and through its appropriate officials and shall continue so long as the lands within the designated areas are dedicated to park purposes.

(3) The governor is hereby authorized and empowered to execute all proper documents for the cession granted in subsection (1) of this section upon request of the United States by and through its appropriate officials.

(4) The state of Colorado retains concurrent jurisdiction, both civil and criminal, with the United States over all lands specified in subsection (1) of this section.

Source: L. 83: Entire article added, p. 385, § 1, effective May 25. **L. 2001:** (1) amended, p. 1307, § 1, effective August 8.

3-3-102. Concurrent jurisdiction of the United States over certain lands dedicated to the Piñon Canyon maneuver site in Las Animas county.

(1) Concurrent legislative jurisdiction under the laws of this state is ceded to the United States over and within all the lands dedicated to the Piñon Canyon maneuver site in Las Animas county.

(2) The concurrent jurisdiction ceded by subsection (1) of this section is vested upon acceptance by the United States by and through its appropriate officials and shall continue so long as the Piñon Canyon maneuver site exists.

(3) The governor is hereby authorized and empowered to execute all proper documents for the cession granted in subsection (1) of this section upon request of the United States by and through its appropriate officials.

(4) The state of Colorado retains concurrent jurisdiction, both civil and criminal, with the United States over all lands specified in subsection (1) of this section.

Source: L. 85: Entire section added, p. 294, § 1, effective June 6.

3-3-103. United States Air Force academy - El Paso county - concurrent jurisdiction.

(1) The state of Colorado hereby cedes concurrent legislative jurisdiction under the laws of this state to the United States over and within the lands dedicated to the United States Air Force academy site in El Paso county.

(2) The concurrent jurisdiction ceded in subsection (1) of this section is vested upon acceptance by the United States by and through its appropriate officials and shall continue for as long as the United States Air Force academy site is located in El Paso county.

(3) Upon request by the United States by and through its appropriate officials, the governor is authorized and empowered to execute the appropriate documents to accomplish the cession granted by this section.

(4) The state of Colorado retains concurrent jurisdiction, both civil and criminal, with the United States over all lands specified in subsection (1) of this section.

Source: L. 95: Entire section added, p. 744, § 1, effective May 23.

3-3-104. Rocky Mountain arsenal - Adams county - concurrent jurisdiction.

(1) (a) The state of Colorado hereby accepts the relinquishment of legislative jurisdiction from the United States over four hundred twelve property tracts within the Rocky Mountain arsenal in Adams county. The state of Colorado shall have concurrent legislative jurisdiction with the United States over the property indicated in this paragraph (a) for as long as the United States owns the property.

(b) The concurrent legislative jurisdiction created by this section over the property indicated in paragraph (a) of this subsection (1) shall take effect upon acceptance by the governor of a notice filed by the secretary of the Army pursuant to 10 U.S.C. sec. 2683 relinquishing legislative jurisdiction and retaining concurrent legislative jurisdiction over the property. The governor shall notify the office of legislative legal services of the date of acceptance of the notice.

(c) The state shall not incur or assume any liability as a result of accepting concurrent legislative jurisdiction pursuant to this subsection (1).

(2) (a) The state of Colorado hereby cedes concurrent legislative jurisdiction under the laws of this state to the United States over property tracts A-107 and B-353 within the Rocky Mountain arsenal in Adams county.

(b) The concurrent legislative jurisdiction ceded in this subsection (2) is vested upon acceptance by the United States through its appropriate officials and shall continue for as long as the United States owns the property.

(c) Upon request by the United States through its appropriate officials, the governor is authorized to execute the appropriate documents to accomplish the cession granted by this subsection (2).

(d) The state of Colorado retains concurrent jurisdiction, both civil and criminal, with the United States over all property specified in paragraph (a) of this subsection (2).

Source: L. 2003: Entire section added, p. 2558, § 1, effective June 5.

3-3-105. Pueblo chemical depot - concurrent jurisdiction - legislative declaration.

(1) The general assembly hereby finds and declares that:

(a) The Pueblo depot activity development authority, created in 1994 by the general assembly, focused on the redevelopment of the United States Army Pueblo chemical depot to support job creation and economic growth;

(b) The United States department of defense formally recognized the Pueblo depot activity development authority as the local development authority in 1995;

(c) In 2013, over fifteen thousand acres of land of the United States Army Pueblo chemical depot was deemed surplus federal property and the Pueblo depot activity development authority officially changed their name to PuebloPlex;

(d) In order to fully utilize the surplus land, the general assembly must establish concurrent legislative jurisdiction with the federal government by the governor formally accepting this jurisdiction from the secretary of the Army; and

(e) The concurrent legislative jurisdiction seeks to avoid jurisdictional confusion and ensure emergency and police services are offered and available for the redevelopment of PuebloPlex.

(2) (a) The state of Colorado hereby accepts the relinquishment of exclusive legislative jurisdiction from the United States over the real property comprising the United States Army Pueblo chemical depot. The state of Colorado shall have concurrent legislative jurisdiction with the United States over the property indicated in this subsection (2)(a) for as long as the United States owns the property.

(b) The concurrent legislative jurisdiction created by this section over the property indicated in subsection (2)(a) of this section shall take effect upon acceptance by the governor of a notice filed by the secretary of the Army pursuant to 10 U.S.C. sec. 2683 relinquishing exclusive legislative jurisdiction and retaining concurrent legislative jurisdiction over the property. The governor shall notify the revisor of statutes in writing, by email sent to revisorofstatutes.ga@coleg.gov, of the date of acceptance of the notice.

(c) The state shall not incur or assume any liability as a result of accepting concurrent legislative jurisdiction pursuant to this subsection (2).

(3) Upon request by the United States through its appropriate officials, the governor is authorized to execute the appropriate documents to accomplish the cession granted by subsection (2) of this section.

Source: L. 2021: Entire section added, (SB 21-004), ch. 46, p. 193, § 1, effective September 7.

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.

(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.

Source: L. 2024: Entire section added, (SB 24-074), ch. 39, p. 139, § 1, effective April 4.