A BILL FOR AN ACT

CONCERNING STATE AND LOCAL GOVERNMENT COORDINATION WITH RESPECT TO FEDERAL LAND DECISIONS THAT AFFECT THE WELL-BEING OF THE STATE.

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 creates the division of federal land coordination in the department of local affairs to address federal land decisions in Colorado that affect the state and local governments. The chief coordinator is the head of the division and is required to form a federal land coordination...
task force to study certain federal land decisions. The department of agriculture, the department of natural resources, the Colorado tourism office, the Colorado energy office, and the office of economic development are required to assist the division at the request of the chief coordinator. Based on task force findings, the chief coordinator may recommend that a local government receive a grant for research and analysis to form a coordinated response to a federal land decision.

---

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

SECTION 1. In Colorado Revised Statutes, add part 34 to article 32 of title 24 as follows:

PART 34

DIVISION OF FEDERAL LAND COORDINATION

24-32-3401. Legislative declaration. (1) The General Assembly finds and declares that:

(a) Federal decisions regarding federal land often affect the economic well-being of Colorado citizens;

(b) Revenue can be radically altered by a federal land decision;

(c) Federal economic analyses are usually presented as an average impact over a large area and do not consider more local impacts, yet these federal land decisions are a primary driver of the economic future of many local governments in Colorado;

(d) While there are mechanisms in place for the state and local governments to comment on federal land decisions, the response has been disjointed and lacks the impact necessary to influence any meaningful changes or to accurately determine and report whether the federal land decision is consistent with state plans and programs;
(e) A unified response to federal land decisions would add weight to the arguments made for or against federal land decisions in Colorado; and

(f) A state level coordination and management process to help create a unified response is imperative.

(2) The general assembly further finds and declares that the matters contained in this part 34 have important statewide ramifications for compliance with and enforcement of federal land decisions, but nothing in this part 34 is intended to restrict any independent local government actions or comments related to federal land decisions.

24-32-3402. Definitions. As used in this part 34, unless the context otherwise requires:

(1) "Coordinate" or "coordination" means that the parties involved in the issue are working together harmoniously and each party is operating as a party of equal importance, rank, or degree, and one party is not subordinate to another. "Coordinate" or "coordination" does not mean cooperation, consultation, or supremacy. "Coordinate" or "coordination" means more than trying to work together with someone else. "Coordinate" or "coordination" is not simply soliciting and considering another party’s comments on an issue. "Coordinate" or "coordination" means entering into negotiations prepared to work effectively toward a resolution of conflicts that may exist among the parties related to an issue.

(2) "Decision" means a contemplated federal action that impacts state and local socioeconomic interests such as...
AGRICULTURE, FIRE SUPPRESSION AND PREVENTION, MINERAL RESOURCES, RECREATION, ENVIRONMENT, WILDLIFE MANAGEMENT, ENDANGERED SPECIES PROTECTION, AND WATER.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-1-125.

(4) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(5) "DIVISION" MEANS THE DIVISION OF FEDERAL LAND COORDINATION CREATED IN SECTION 24-32-3403.

(6) "FEDERAL LAND" MEANS LAND OWNED BY THE FEDERAL GOVERNMENT BUT DOES NOT INCLUDE:

(a) FEDERAL LAND USED FOR MILITARY PURPOSES; AND

(b) LAND BELONGING TO AN INDIAN RESERVATION OR INDIAN TRIBE, BAND, OR COMMUNITY THAT IS HELD IN TRUST BY THE UNITED STATES OR IS SUBJECT TO A RESTRICTION AGAINST ALIENATION IMPOSED BY THE UNITED STATES.

(7) "FEDERAL LAND COORDINATION TASK FORCE" OR "TASK FORCE" MEANS A COORDINATION TASK FORCE CREATED PURSUANT TO SECTION 24-32-3404.

24-32-3403. Division of federal land coordination - created.

(1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT A DIVISION OF FEDERAL LAND COORDINATION. THE CHIEF COORDINATOR WILL SERVE AS THE HEAD OF THE DIVISION. ANY COUNTY IN THE STATE WITH SIGNIFICANT FEDERAL LAND IN ITS JURISDICTION MAY NOMINATE A PERSON FOR THE POSITION OF CHIEF COORDINATOR. THE DIRECTOR SHALL SELECT THE CHIEF COORDINATOR FROM ONE OF THE NOMINATIONS AND SHALL APPOINT THE CHIEF COORDINATOR IN ACCORDANCE WITH THE PROVISIONS OF SECTION
13 of Article XII of the state constitution.

(2) Notwithstanding another provision of law, the Department of Agriculture, the Department of Natural Resources, the Colorado Tourism Office, the Colorado Energy Office, the Office of Economic Development, and any other impacted state agency shall assist the Division as requested by the Chief Coordinator.

24-32-3404. Exercise of powers - rules. The Division and the Chief Coordinator shall exercise their powers and perform their duties and functions specified in this Part 34 under the Department as if the same were transferred to the Department by a Type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", Article 1 of this title; except that the Chief Coordinator has full and exclusive authority to promulgate rules related to the Division without any approval by, or delegation of authority from, the Department.

24-32-3405. Chief coordinator - powers and duties. (1) In addition to any other powers and duties set forth in this Part 34, the Chief Coordinator has the following powers and duties:

(a) Coherently identifying the extent of state and local jurisdiction over federal land and reporting such findings to the affected local governments;
(b) Staying knowledgeable of current and future federal land decisions;
(c) Coordinating the state’s position on federal land decisions with each affected state agency and any impacted
LOCAL GOVERNMENTS;

(d) Evaluating all ongoing federal land decisions in the state and developing a preliminary estimate of the scope, impact, and timing of each decision;

(e) Selecting those federal land decisions that have significant economic or socioeconomic impacts to the state or to a region of the state and determining whether the decision actions could benefit from a unified statewide position or whether the affected local government requires coordination support;

(f) Reviewing and accepting recommendations from any board of county commissioners regarding any federal land decision that should, in the opinion of the board of county commissioners, be selected as a federal land decision described in paragraph (e) of this subsection (1);

(g) Prioritizing federal land decisions that the coordination process should support, ranked in order of potential benefit to the state or region;

(h) Coordinating state and local participation in federal land decision meetings;

(i) Establishing a federal land coordination task force as set forth in section 24-32-3406 for each federal land decision prioritized pursuant to paragraph (g) of this subsection (1);

(j) Requiring the office of economic development to perform an economic analysis regarding a federal land decision as specified in section 24-48.5-101 (8);

(k) Working with any federal land coordination task
FORCES;

(l) ADVISING THE GOVERNOR;

(m) EDUCATING AND TRAINING LOCAL OFFICIALS ON DEVELOPING A LOCAL RESPONSE TO FEDERAL LAND DECISIONS AS ALLOWED BY FEDERAL PROCESSES; AND

(n) RECOMMENDING TO THE AGRICULTURE, LIVESTOCK AND NATURAL RESOURCES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ANY LEGISLATION THAT MAY BE NECESSARY TO STRENGTHEN THE COORDINATED RESPONSE OF STATE AND LOCAL GOVERNMENTS REGARDING FEDERAL LAND POLICY.

(2) (a) BASED ON ANY RECOMMENDATIONS THE CHIEF COORDINATOR RECEIVES FROM A FEDERAL LAND COORDINATION TASK FORCE ON THE MATTER, THE CHIEF COORDINATOR MAY RECOMMEND TO THE DIRECTOR THAT A LOCAL GOVERNMENT RECEIVE A GRANT PURSUANT TO SECTION 34-63-102 (5.4) (b) (I), C.R.S.

(b) IF APPROVED BY THE DIRECTOR, THE GRANT AWARDED PURSUANT TO SECTION 34-63-102 (5.4) (b) (I), C.R.S., MUST BE USED FOR RESEARCH AND ANALYSIS CONDUCTED EITHER INTERNALLY OR UNDER CONTRACT FOR PREPARATION OF REPORTS NECESSARY FOR A COORDINATED RESPONSE TO FEDERAL LAND DECISIONS, FOR EXPENSES RELATED TO PARTICIPATION IN THE COORDINATION PROCESS, OR FOR COSTS ASSOCIATED WITH THE PARTICIPATION IN ANY LITIGATION RELATED TO FEDERAL LAND DECISIONS.

24-32-3406. Federal land coordination task force - creation - duties. (1) (a) A FEDERAL LAND COORDINATION TASK FORCE MUST BE CALLED TOGETHER BY THE CHIEF COORDINATOR FOR EACH FEDERAL LAND DECISION PRIORITIZED PURSUANT TO SECTION 24-32-3405 (1) (g). Each
FEDERAL LAND COORDINATION TASK FORCE IS TO BE COMPRISED OF INDIVIDUALS DRAWN FROM APPROPRIATE STATE AGENCIES AS DETERMINED BY THE CHIEF COORDINATOR AND INDIVIDUALS NOMINATED BY THE BOARD OF THE COUNTY COMMISSIONERS IN THE COUNTIES THAT ARE AFFECTED BY THE FEDERAL LAND DECISIONS BEING REVIEWED. THERE ARE NO LIMITATIONS ON THE SIZE OF A TASK FORCE OR THE LENGTH OF TIME THAT A TASK FORCE MAY MEET.

(b) LOCAL MEMBERS OF THE TASK FORCE WILL BE REIMBURSED FOR NECESSARY TRAVELING AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR TASK FORCE DUTIES.

(2) A FEDERAL LAND COORDINATION TASK FORCE MUST:

(a) STUDY THE FEDERAL LAND DECISION IT WAS CREATED TO REVIEW;

(b) REVIEW RESEARCH AND ANALYSIS CONDUCTED BY THE STATE OR LOCAL GOVERNMENTS REGARDING THE FEDERAL LAND DECISION IT WAS CREATED TO REVIEW;

(c) REVIEW AND APPROVE ANY MATERIALS SUBMITTED BY A LOCAL GOVERNMENT IN RESPONSE TO THE FEDERAL LAND DECISION IT WAS CREATED TO REVIEW AND WORK WITH LOCAL GOVERNMENTS TO REVISE ANY CONCLUSIONS AS NECESSARY;

(d) REVIEW AND APPROVE MATERIALS FOR INCLUSION IN AN ECONOMIC ANALYSIS IF ONE IS TO BE PREPARED BY THE OFFICE OF ECONOMIC DEVELOPMENT AS SPECIFIED IN SECTION 24-48.5-101 (8); AND

(e) ADVISE THE CHIEF COORDINATOR ON RECOMMENDATIONS RELEVANT TO THE STATE’S POSITION RELATED TO THE FEDERAL LAND DECISION THE TASK FORCE WAS CREATED TO REVIEW.

(3) A FEDERAL LAND COORDINATION TASK FORCE MAY
RECOMMEND TO THE CHIEF COORDINATOR THAT A LOCAL GOVERNMENT RECEIVE A GRANT PURSUANT TO SECTION 24-32-3405 (2) FOR RESEARCH AND ANALYSIS RELATED TO THE FEDERAL LAND DECISION IT WAS CREATED TO REVIEW.

SECTION 2. In Colorado Revised Statutes, amend 24-33-103 as follows:

24-33-103. Legislative declaration. (1) Except as provided in subsection (2) of this section, the state policy shall be to encourage, by every appropriate means, the full development of the state's natural resources to the benefit of all of the citizens of Colorado and shall include, but be limited to, creation of a resource management plan to integrate the state's efforts to implement and encourage full utilization of each of the natural resources consistent with realistic conservation principles. The governor, through the executive director of the department of natural resources, shall develop and direct the resource management plan. and shall be responsible for negotiations with the federal government in all resource and conservation matters.

(2) In furtherance of a coordinated response, as specified in part 34 of article 32 of this title, to all federal decisions regarding federal land that impact the state and local governments, and notwithstanding any law to the contrary, the division of federal land coordination and each affected state agency shall coordinate with local governments regarding the state's position on federal decisions regarding federal lands. For purposes of this subsection (2), "coordinate" has the same meaning as set forth in section 24-32-3402 (1).

SECTION 3. In Colorado Revised Statutes, 24-48.5-101, add (8)
as follows:

24-48.5-101. Colorado office of economic development - creation - duties - report. (8) (a) Whenever required by the chief coordinator as specified in section 24-32-3405, the office of economic development shall, in a timely manner, perform an economic analysis as described in paragraph (b) of this subsection (8).

(b) (I) An economic analysis of a federal land decision must include:

(A) An explanation of the impacts of the federal land decision on the state or local governments;

(B) Revenue impacts, including but not limited to revenues realized from federal lease payments, property taxes, severance taxes, and business personal property taxes;

(C) Impacts on jobs;

(D) Impacts on vital industries such as agriculture, tourism, recreation, oil and gas development, and mining; and

(E) Any other impacts such as those on scenic value and tourism.

(II) Impacts of federal land decisions include but are not limited to restrictions on grazing permits, ski areas, scenic viewing, trail access, drilling permits, and mining permits.

(III) To the extent possible, an economic analysis should include information that indicates five years of impacts.

(IV) The economic analysis must consolidate information regarding all impacted local governments related to each federal land decision into a single report.
SECTION 4. In Colorado Revised Statutes, 34-63-102, amend
(5.4) (b) (I) introductory portion as follows:

34-63-102. Creation of mineral leasing fund - distribution -
advisory committee - local government permanent fund created -
definitions - repeal. (5.4) Except as otherwise provided in subsection
(5.5) of this section, on and after July 1, 2008, all moneys other than
bonus payments, as defined in paragraph (b) of subsection (5.3) of this
section, credited to the mineral leasing fund created in subparagraph (II)
of paragraph (a) of subsection (1) of this section shall be distributed on
a quarterly basis for quarters beginning on July 1, October 1, January 1,
and April 1 of each state fiscal year as follows:

(b) (I) For each quarter commencing during the 2008-09 fiscal
year or during any succeeding fiscal year, forty percent of the moneys
shall be credited to the local government mineral impact fund. Fifty
percent of the moneys so credited shall be distributed by the executive
director of the department of local affairs in accordance with the purposes
and priorities described in subsection (1) of this section AND IN
ACCORDANCE WITH THE PURPOSES AND PRIORITIES DESCRIBED IN PART 34
OF ARTICLE 32 OF TITLE 24, C.R.S., and in distributing the moneys IN
ACCORDANCE WITH THE PURPOSES AND PRIORITIES DESCRIBED IN
SUBSECTION (1) OF THIS SECTION, the executive director shall give priority
to those communities most directly and substantially impacted by
production of energy resources on federal mineral lands and to grant
applications that:

SECTION 5. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.