

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0151.02 Esther van Mourik x4215

HOUSE BILL 14-1150

HOUSE SPONSORSHIP

Rankin, Coram, Dore, Scott, Wilson, Wright

SENATE SPONSORSHIP

Roberts, Baumgardner, King

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATE AND LOCAL GOVERNMENT COORDINATION WITH**
102 **RESPECT TO FEDERAL LAND DECISIONS THAT AFFECT THE**
103 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (e) A UNIFIED RESPONSE TO FEDERAL LAND DECISIONS WOULD ADD
2 WEIGHT TO THE ARGUMENTS MADE FOR OR AGAINST FEDERAL LAND
3 DECISIONS IN COLORADO; AND

4 (f) A STATE LEVEL COORDINATION AND MANAGEMENT PROCESS TO
5 HELP CREATE A UNIFIED RESPONSE IS IMPERATIVE.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
7 THE MATTERS CONTAINED IN THIS PART 34 HAVE IMPORTANT STATEWIDE
8 RAMIFICATIONS FOR COMPLIANCE WITH AND ENFORCEMENT OF FEDERAL
9 LAND DECISIONS, BUT NOTHING IN THIS PART 34 IS INTENDED TO RESTRICT
10 ANY INDEPENDENT LOCAL GOVERNMENT ACTIONS OR COMMENTS RELATED
11 TO FEDERAL LAND DECISIONS.

12 **24-32-3402. Definitions.** AS USED IN THIS PART 34, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "COORDINATE" OR "COORDINATION" MEANS THAT THE PARTIES
15 INVOLVED IN THE ISSUE ARE WORKING TOGETHER HARMONIOUSLY AND
16 EACH PARTY IS OPERATING AS A PARTY OF EQUAL IMPORTANCE, RANK, OR
17 DEGREE, AND ONE PARTY IS NOT SUBORDINATE TO ANOTHER.
18 "COORDINATE" OR "COORDINATION" DOES NOT MEAN COOPERATION,
19 CONSULTATION, OR SUPREMACY. "COORDINATE" OR "COORDINATION"
20 MEANS MORE THAN TRYING TO WORK TOGETHER WITH SOMEONE ELSE.
21 "COORDINATE" OR "COORDINATION" IS NOT SIMPLY SOLICITING AND
22 CONSIDERING ANOTHER PARTY'S COMMENTS ON AN ISSUE. "COORDINATE"
23 OR "COORDINATION" MEANS ENTERING INTO NEGOTIATIONS PREPARED TO
24 WORK EFFECTIVELY TOWARD A RESOLUTION OF CONFLICTS THAT MAY
25 EXIST AMONG THE PARTIES RELATED TO AN ISSUE.

26 (2) "DECISION" MEANS A CONTEMPLATED FEDERAL ACTION THAT
27 IMPACTS STATE AND LOCAL SOCIOECONOMIC INTERESTS SUCH AS

1 AGRICULTURE, FIRE SUPPRESSION AND PREVENTION, MINERAL RESOURCES,
2 RECREATION, ENVIRONMENT, WILDLIFE MANAGEMENT, ENDANGERED
3 SPECIES PROTECTION, AND WATER.

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

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

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

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

12 (a) FEDERAL LAND USED FOR MILITARY PURPOSES; AND

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

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

20 **24-32-3403. Division of federal land coordination - created.**

21 (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT A DIVISION OF
22 FEDERAL LAND COORDINATION. THE CHIEF COORDINATOR WILL SERVE AS
23 THE HEAD OF THE DIVISION. ANY COUNTY IN THE STATE WITH SIGNIFICANT
24 FEDERAL LAND IN ITS JURISDICTION MAY NOMINATE A PERSON FOR THE
25 POSITION OF CHIEF COORDINATOR. THE DIRECTOR SHALL SELECT THE CHIEF
26 COORDINATOR FROM ONE OF THE NOMINATIONS AND SHALL APPOINT THE
27 CHIEF COORDINATOR IN ACCORDANCE WITH THE PROVISIONS OF SECTION

1 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

2 (2) NOTWITHSTANDING ANOTHER PROVISION OF LAW, THE
3 DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF NATURAL
4 RESOURCES, THE COLORADO TOURISM OFFICE, THE COLORADO ENERGY
5 OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, AND ANY OTHER
6 IMPACTED STATE AGENCY SHALL ASSIST THE DIVISION AS REQUESTED BY
7 THE CHIEF COORDINATOR.

8 **24-32-3404. Exercise of powers - rules.** THE DIVISION AND THE
9 CHIEF COORDINATOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR
10 DUTIES AND FUNCTIONS SPECIFIED IN THIS PART 34 UNDER THE
11 DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT
12 BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE
13 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS
14 TITLE; EXCEPT THAT THE CHIEF COORDINATOR HAS FULL AND EXCLUSIVE
15 AUTHORITY TO PROMULGATE RULES RELATED TO THE DIVISION WITHOUT
16 ANY APPROVAL BY, OR DELEGATION OF AUTHORITY FROM, THE
17 DEPARTMENT.

18 **24-32-3405. Chief coordinator - powers and duties.** (1) IN
19 ADDITION TO ANY OTHER POWERS AND DUTIES SET FORTH IN THIS PART 34,
20 THE CHIEF COORDINATOR HAS THE FOLLOWING POWERS AND DUTIES:

21 (a) COHERENTLY IDENTIFYING THE EXTENT OF STATE AND LOCAL
22 JURISDICTION OVER FEDERAL LAND AND REPORTING SUCH FINDINGS TO
23 THE AFFECTED LOCAL GOVERNMENTS;

24 (b) STAYING KNOWLEDGEABLE OF CURRENT AND FUTURE FEDERAL
25 LAND DECISIONS;

26 (c) COORDINATING THE STATE'S POSITION ON FEDERAL LAND
27 DECISIONS WITH EACH AFFECTED STATE AGENCY AND ANY IMPACTED

1 LOCAL GOVERNMENTS;

2 (d) EVALUATING ALL ONGOING FEDERAL LAND DECISIONS IN THE
3 STATE AND DEVELOPING A PRELIMINARY ESTIMATE OF THE SCOPE, IMPACT,
4 AND TIMING OF EACH DECISION;

5 (e) SELECTING THOSE FEDERAL LAND DECISIONS THAT HAVE
6 SIGNIFICANT ECONOMIC OR SOCIOECONOMIC IMPACTS TO THE STATE OR TO
7 A REGION OF THE STATE AND DETERMINING WHETHER THE DECISION
8 ACTIONS COULD BENEFIT FROM A UNIFIED STATEWIDE POSITION OR
9 WHETHER THE AFFECTED LOCAL GOVERNMENT REQUIRES COORDINATION
10 SUPPORT;

11 (f) REVIEWING AND ACCEPTING RECOMMENDATIONS FROM ANY
12 BOARD OF COUNTY COMMISSIONERS REGARDING ANY FEDERAL LAND
13 DECISION THAT SHOULD, IN THE OPINION OF THE BOARD OF COUNTY
14 COMMISSIONERS, BE SELECTED AS A FEDERAL LAND DECISION DESCRIBED
15 IN PARAGRAPH (e) OF THIS SUBSECTION (1);

16 (g) PRIORITIZING FEDERAL LAND DECISIONS THAT THE
17 COORDINATION PROCESS SHOULD SUPPORT, RANKED IN ORDER OF
18 POTENTIAL BENEFIT TO THE STATE OR REGION;

19 (h) COORDINATING STATE AND LOCAL PARTICIPATION IN FEDERAL
20 LAND DECISION MEETINGS;

21 (i) ESTABLISHING A FEDERAL LAND COORDINATION TASK FORCE AS
22 SET FORTH IN SECTION 24-32-3406 FOR EACH FEDERAL LAND DECISION
23 PRIORITIZED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION (1);

24 (j) REQUIRING THE OFFICE OF ECONOMIC DEVELOPMENT TO
25 PERFORM AN ECONOMIC ANALYSIS REGARDING A FEDERAL LAND DECISION
26 AS SPECIFIED IN SECTION 24-48.5-101 (8);

27 (k) WORKING WITH ANY FEDERAL LAND COORDINATION TASK

1 FORCES;

2 (l) ADVISING THE GOVERNOR;

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

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

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

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

24 **24-32-3406. Federal land coordination task force - creation -**
25 **duties.** (1) (a) A FEDERAL LAND COORDINATION TASK FORCE MUST BE
26 CALLED TOGETHER BY THE CHIEF COORDINATOR FOR EACH FEDERAL LAND
27 DECISION PRIORITIZED PURSUANT TO SECTION 24-32-3405 (1) (g). EACH

1 FEDERAL LAND COORDINATION TASK FORCE IS TO BE COMPRISED OF
2 INDIVIDUALS DRAWN FROM APPROPRIATE STATE AGENCIES AS
3 DETERMINED BY THE CHIEF COORDINATOR AND INDIVIDUALS NOMINATED
4 BY THE BOARD OF THE COUNTY COMMISSIONERS IN THE COUNTIES THAT
5 ARE AFFECTED BY THE FEDERAL LAND DECISIONS BEING REVIEWED. THERE
6 ARE NO LIMITATIONS ON THE SIZE OF A TASK FORCE OR THE LENGTH OF
7 TIME THAT A TASK FORCE MAY MEET.

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

11 (2) A FEDERAL LAND COORDINATION TASK FORCE MUST:

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

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

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

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

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

27 (3) A FEDERAL LAND COORDINATION TASK FORCE MAY

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

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

7 **24-33-103. Legislative declaration.** (1) EXCEPT AS PROVIDED IN
8 SUBSECTION (2) OF THIS SECTION, the state policy ~~shall be~~ IS to encourage,
9 by every appropriate means, the full development of the state's natural
10 resources to the benefit of all of the citizens of Colorado and ~~shall include~~
11 INCLUDES, but IS not ~~be~~ limited to, creation of a resource management
12 plan to integrate the state's efforts to implement and encourage full
13 utilization of each of the natural resources consistent with realistic
14 conservation principles. The governor, through the executive director of
15 the department of natural resources, shall develop and direct the resource
16 management plan. ~~and shall be responsible for negotiations with the~~
17 ~~federal government in all resource and conservation matters.~~

18 (2) IN FURTHERANCE OF A COORDINATED RESPONSE, AS SPECIFIED
19 IN PART 34 OF ARTICLE 32 OF THIS TITLE, TO ALL FEDERAL DECISIONS
20 REGARDING FEDERAL LAND THAT IMPACT THE STATE AND LOCAL
21 GOVERNMENTS, AND NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
22 DIVISION OF FEDERAL LAND COORDINATION AND EACH AFFECTED STATE
23 AGENCY SHALL COORDINATE WITH LOCAL GOVERNMENTS REGARDING THE
24 STATE'S POSITION ON FEDERAL DECISIONS REGARDING FEDERAL LANDS.
25 FOR PURPOSES OF THIS SUBSECTION (2), "COORDINATE" HAS THE SAME
26 MEANING AS SET FORTH IN SECTION 24-32-3402 (1).

27 **SECTION 3.** In Colorado Revised Statutes, 24-48.5-101, **add** (8)

1 as follows:

2 **24-48.5-101. Colorado office of economic development -**

3 **creation - duties - report.** (8) (a) WHENEVER REQUIRED BY THE CHIEF
4 COORDINATOR AS SPECIFIED IN SECTION 24-32-3405, THE OFFICE OF
5 ECONOMIC DEVELOPMENT SHALL, IN A TIMELY MANNER, PERFORM AN
6 ECONOMIC ANALYSIS AS DESCRIBED IN PARAGRAPH (b) OF THIS
7 SUBSECTION (8).

8 (b) (I) AN ECONOMIC ANALYSIS OF A FEDERAL LAND DECISION
9 MUST INCLUDE:

10 (A) AN EXPLANATION OF THE IMPACTS OF THE FEDERAL LAND
11 DECISION ON THE STATE OR LOCAL GOVERNMENTS;

12 (B) REVENUE IMPACTS, INCLUDING BUT NOT LIMITED TO REVENUES
13 REALIZED FROM FEDERAL LEASE PAYMENTS, PROPERTY TAXES, SEVERANCE
14 TAXES, AND BUSINESS PERSONAL PROPERTY TAXES;

15 (C) IMPACTS ON JOBS;

16 (D) IMPACTS ON VITAL INDUSTRIES SUCH AS AGRICULTURE,
17 TOURISM, RECREATION, OIL AND GAS DEVELOPMENT, AND MINING; AND

18 (E) ANY OTHER IMPACTS SUCH AS THOSE ON SCENIC VALUE AND
19 TOURISM.

20 (II) IMPACTS OF FEDERAL LAND DECISIONS INCLUDE BUT ARE NOT
21 LIMITED TO RESTRICTIONS ON GRAZING PERMITS, SKI AREAS, SCENIC
22 VIEWING, TRAIL ACCESS, DRILLING PERMITS, AND MINING PERMITS.

23 (III) TO THE EXTENT POSSIBLE, AN ECONOMIC ANALYSIS SHOULD
24 INCLUDE INFORMATION THAT INDICATES FIVE YEARS OF IMPACTS.

25 (IV) THE ECONOMIC ANALYSIS MUST CONSOLIDATE INFORMATION
26 REGARDING ALL IMPACTED LOCAL GOVERNMENTS RELATED TO EACH
27 FEDERAL LAND DECISION INTO A SINGLE REPORT.

1 **SECTION 4.** In Colorado Revised Statutes, 34-63-102, **amend**
2 (5.4) (b) (I) introductory portion as follows:

3 **34-63-102. Creation of mineral leasing fund - distribution -**
4 **advisory committee - local government permanent fund created -**
5 **definitions - repeal.** (5.4) Except as otherwise provided in subsection
6 (5.5) of this section, on and after July 1, 2008, all moneys other than
7 bonus payments, as defined in paragraph (b) of subsection (5.3) of this
8 section, credited to the mineral leasing fund created in subparagraph (II)
9 of paragraph (a) of subsection (1) of this section shall be distributed on
10 a quarterly basis for quarters beginning on July 1, October 1, January 1,
11 and April 1 of each state fiscal year as follows:

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

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