

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0211.03 Esther van Mourik x4215

HOUSE BILL 15-1225

HOUSE SPONSORSHIP

Rankin and Becker K.,

SENATE SPONSORSHIP

Roberts and Donovan,

House Committees

Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF STATE ASSISTANCE TO LOCAL**
102 **GOVERNMENTS FOR THE PURPOSE OF IMPROVED COORDINATION**
103 **IN FEDERAL LAND MANAGEMENT DECISION-MAKING, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 requires the governor, in cooperation with the executive director of the department of natural resources, the commissioner of agriculture, and the executive director of the department of local affairs,

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.

HOUSE
Amended 2nd Reading
March 9, 2015

to make available to interested local governments technical support to aid local governments in:

- ! Entering into cooperating agency relationships with federal agencies;
- ! Sharing information and expertise with federal land managers;
- ! Developing local land use plans;
- ! Hiring consultants to perform analyses of local government interests;
- ! Entering into memoranda of understanding with federal land management agencies; or
- ! Similar methods to improve coordination, cooperation, and collaboration in federal land management decision-making.

The bill allows the governor to establish an advisory committee to provide technical assistance for one or more federal land management decision-making processes if the governor determines that the advisory committee would provide effective and efficient technical support for collaborative engagement.

The bill requires the governor, in cooperation with the executive director of the department of natural resources, the commissioner of agriculture, and the executive director of the department of local affairs, to notify local governments of the availability of technical assistance.

The bill specifies that grant moneys may be awarded from the local government mineral impact fund for planning, analyses, public engagement, and coordination and collaboration with federal land managers and stakeholders, or for similar or related local government processes needed by local governments for engagement in federal land management decision-making.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Federal land managers have statutory authorities and
5 responsibilities to coordinate and cooperate with state and local
6 governments in federal land management decision-making processes;

7 (b) The state and local governments have authorities and
8 responsibilities to coordinate and cooperate with federal land
9 management agencies in state and local decision-making processes;

1 (c) Early and consistent cooperative and collaborative
2 involvement of local governments in federal land management
3 decision-making processes can improve federal land management
4 outcomes, reduce conflict, and save state, local, and federal resources;

5 (d) Effective local government engagement in federal land
6 management decision-making processes often requires financial resources
7 for:

8 (I) Planning;

9 (II) Analyses;

10 (III) Public engagement;

11 (IV) Coordination and collaboration with federal land managers
12 and stakeholders; or

13 (V) Similar or related local government processes; and

14 (e) Local governments could benefit from technical assistance
15 provided by the state to effectively engage their communities in federal
16 land decision-making processes.

17 (2) The general assembly further declares that it is imperative to
18 encourage effective cooperative and collaborative engagement among
19 counties, municipalities, the state, and federal land management agencies.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 24-20-113 as
21 follows:

22 **24-20-113. Governor to provide technical assistance in federal**
23 **land issues.** (1) (a) THE GOVERNOR, IN COOPERATION WITH THE
24 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, THE
25 COMMISSIONER OF AGRICULTURE, AND THE EXECUTIVE DIRECTOR OF THE
26 DEPARTMENT OF LOCAL AFFAIRS, SHALL MAKE AVAILABLE TO INTERESTED
27 LOCAL GOVERNMENTS TECHNICAL SUPPORT TO AID LOCAL GOVERNMENTS

1 IN:

2 (I) ENTERING INTO COOPERATING AGENCY RELATIONSHIPS WITH
3 FEDERAL AGENCIES;

4 (II) SHARING INFORMATION AND EXPERTISE WITH FEDERAL LAND
5 MANAGERS;

6 (III) DEVELOPING LOCAL LAND USE PLANS WITHIN THE MEANING
7 OF PART 1 OF ARTICLE 28 OF TITLE 30 AND ARTICLE 23 OF TITLE 31,
8 C.R.S.;

9 (IV) HIRING CONSULTANTS TO PERFORM ANALYSES OF LOCAL
10 GOVERNMENT INTERESTS;

11 (V) ENTERING INTO MEMORANDA OF UNDERSTANDING WITH
12 FEDERAL LAND MANAGEMENT AGENCIES; OR

13 (VI) IMPLEMENTING SIMILAR METHODS TO IMPROVE
14 COORDINATION, COOPERATION, AND COLLABORATION IN FEDERAL LAND
15 MANAGEMENT DECISION-MAKING.

16 (b) THE GOVERNOR MAY ESTABLISH AN ADVISORY COMMITTEE TO
17 PROVIDE TECHNICAL ASSISTANCE AS DESCRIBED IN PARAGRAPH (a) OF
18 THIS SUBSECTION (1) FOR ONE OR MORE FEDERAL LAND MANAGEMENT
19 DECISION-MAKING PROCESSES IF THE GOVERNOR DETERMINES THAT THE
20 ADVISORY COMMITTEE WOULD PROVIDE EFFECTIVE AND EFFICIENT
21 TECHNICAL SUPPORT FOR COLLABORATIVE ENGAGEMENT.

22 (2) THE GOVERNOR, IN COOPERATION WITH THE EXECUTIVE
23 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, THE
24 COMMISSIONER OF AGRICULTURE, AND THE EXECUTIVE DIRECTOR OF THE
25 DEPARTMENT OF LOCAL AFFAIRS, SHALL NOTIFY LOCAL GOVERNMENTS OF
26 THE AVAILABILITY OF TECHNICAL ASSISTANCE AS DESCRIBED IN
27 SUBSECTION (1) OF THIS SECTION.

1 **SECTION 3.** In Colorado Revised Statutes, 24-32-104, **add** (2)
2 as follows:

3 **24-32-104. Functions of the division.** (2) NO LATER THAN JULY
4 1, 2015, THE DIVISION SHALL FORMALLY ANNOUNCE, ON ITS WEB SITE AND
5 BY LETTER TO THE STATE'S LOCAL GOVERNMENTS, AN INITIATIVE FROM
6 THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION
7 34-63-102 (5), C.R.S., OR THE LOCAL GOVERNMENT SEVERANCE TAX FUND
8 CREATED IN SECTION 39-29-110, C.R.S., OF ONE MILLION DOLLARS PER
9 YEAR FOR THREE YEARS FOR GRANT FUNDING TO LOCAL GOVERNMENTS
10 FOR PLANNING, ANALYSES, PUBLIC ENGAGEMENT, AND COORDINATION
11 AND COLLABORATION WITH FEDERAL LAND MANAGERS AND
12 STAKEHOLDERS, OR FOR SIMILAR OR RELATED LOCAL GOVERNMENT
13 PROCESSES NEEDED BY LOCAL GOVERNMENTS FOR ENGAGEMENT IN
14 FEDERAL LAND MANAGEMENT DECISION-MAKING.

15 **SECTION 4.** In Colorado Revised Statutes, 34-63-102, **amend**
16 (5.4) (b) (I) introductory portion as follows:

17 **34-63-102. Creation of mineral leasing fund - distribution -**
18 **advisory committee - local government permanent fund created -**
19 **definitions - repeal.** (5.4) Except as otherwise provided in subsection
20 (5.5) of this section, on and after July 1, 2008, all moneys other than
21 bonus payments, as defined in paragraph (b) of subsection (5.3) of this
22 section, credited to the mineral leasing fund created in subparagraph (II)
23 of paragraph (a) of subsection (1) of this section shall be distributed on
24 a quarterly basis for quarters beginning on July 1, October 1, January 1,
25 and April 1 of each state fiscal year as follows:

26 (b) (I) For each quarter commencing during the 2008-09 fiscal
27 year or during any succeeding fiscal year, forty percent of the moneys

1 shall be credited to the local government mineral impact fund. Fifty
2 percent of the moneys so credited shall be distributed by the executive
3 director of the department of local affairs in accordance with the purposes
4 and priorities described in subsection (1) of this section, and FOR
5 PLANNING, ANALYSES, PUBLIC ENGAGEMENT, AND COORDINATION AND
6 COLLABORATION WITH FEDERAL LAND MANAGERS AND STAKEHOLDERS,
7 OR FOR SIMILAR OR RELATED LOCAL GOVERNMENT PROCESSES NEEDED BY
8 LOCAL GOVERNMENTS FOR ENGAGEMENT IN FEDERAL LAND MANAGEMENT
9 DECISION-MAKING. In distributing the moneys, the executive director shall
10 give priority to those communities most directly and substantially
11 impacted by production of energy resources on federal mineral lands and
12 to grant applications that:

13

14 **SECTION 5.** In Colorado Revised Statutes, 39-29-110, **add** (1)
15 (b) (V) as follows:

16 **39-29-110. Local government severance tax fund - creation -**
17 **administration - definitions.** (1) (b) (V) IN ADDITION TO THE
18 DISTRIBUTION OF MONEYS AUTHORIZED UNDER SUBPARAGRAPHS (I), (II),
19 (III), AND (IV) OF THIS PARAGRAPH (b), THE EXECUTIVE DIRECTOR OF THE
20 DEPARTMENT OF LOCAL AFFAIRS MAY DISTRIBUTE MONEYS FOR PLANNING,
21 ANALYSES, PUBLIC ENGAGEMENT, AND COORDINATION AND
22 COLLABORATION WITH FEDERAL LAND MANAGERS AND STAKEHOLDERS,
23 OR FOR SIMILAR OR RELATED LOCAL GOVERNMENT PROCESSES NEEDED BY
24 LOCAL GOVERNMENTS FOR ENGAGEMENT IN FEDERAL LAND MANAGEMENT
25 DECISION-MAKING.

26 **SECTION 6. Appropriation.** For the 2015-16 state fiscal year,
27 \$32,369 is appropriated to the department of local affairs for use by the

1 division of local government. This appropriation is from reappropriated
2 funds transferred from the appropriation to the department of local affairs
3 for local government mineral and energy impact grants and disbursements
4 from the local government mineral impact fund created in section
5 34-63-102 (5) (a) (I), C.R.S. This appropriation is based on an assumption
6 that the department will require an additional 0.5 FTE. To implement this
7 act, the department may use this appropriation for field services program
8 costs.

9 **SECTION 7. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.