A BILL FOR AN ACT

CONCERNING THE CREATION OF THE COLORADO FEDERAL LAND MANAGEMENT COMMISSION TO STUDY THE TRANSFER OF PUBLIC LANDS IN COLORADO FROM THE FEDERAL GOVERNMENT TO 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 Colorado federal land management commission (commission) consisting of 15 members as follows:

Two county commissioners from each region of the state
with 50% or more federal land within its boundaries;  

! One county commissioner from each region of the state with under 50% federal land within its boundaries; and  

! Three members representing the western slope, southern, and northeastern regions of the state.

The bill requires the commission to conduct a study to address the transfer of public lands in Colorado from the federal government to the state in contemplation of congress turning over the management and control of those public lands to the state. The bill also requires the commission to submit reports of its findings and recommendations to the agriculture committees of the house of representatives and the senate and requires the commission to make a presentation of its final report to the agriculture committees of the house of representatives and the senate.

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

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

(a) Unlike the eastern states that received control over their lands upon joining the union, the western states have been placed in an inferior position as a result of the federal government withholding a significant portion of land from those states as a condition of admission to the union;

(b) According to the congressional research service, as of 2010, the federal government manages and controls approximately six hundred forty million acres, or about twenty-eight percent of the over two billion acres, of land in the United States;

(c) The highest concentration of land managed and controlled by the federal government is in Alaska (just over sixty-one percent) and the eleven coterminous western states, namely Arizona (over forty-two percent), California (almost forty-eight percent), Colorado (over thirty-six percent), Idaho (almost sixty-two percent), Montana (almost twenty-nine percent), Nevada (over eighty-one percent), New Mexico (almost thirty-five percent), Oregon (fifty-three percent), Utah (over sixty-six percent),...
percent), Washington (over twenty-eight percent), and Wyoming (over forty-eight percent);

(d) In contrast, the federal government only manages and controls four percent of the land in the states east of those western states;

(e) Colorado has over thirty-six percent of its lands being managed and controlled by various federal agencies, including the bureau of land management, the national park service, the United States forest service, the United States fish and wildlife service, and the department of energy;

(f) Increased control by Colorado over the public lands within its borders would benefit the residents of Colorado significantly by allowing the state to balance the economic, recreational, and other critical interests of its residents, with special emphasis on the multiple uses that are allowed presently on the public lands;

(g) In March 2012, legislation was enacted in the state of Utah that, among other things, requires the federal government to turn over management and control of the public lands in Utah to the state and requires the study of various issues that may arise during such a transfer;

(h) Other western states are considering the enactment of similar laws and momentum is building towards the federal government turning over management and control of certain public lands to the western states; and

(i) In light of the magnitude of federal management and control of public lands in Colorado, a study by the state, in contemplation of congress turning over the management and control of public lands in Colorado to the state, would assist in ensuring that the transfer proceeds in a timely and orderly manner.
SECTION 2. In Colorado Revised Statutes, add 3-2-102 as follows:

3-2-102. Colorado federal land management commission - creation - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Commission" means the Colorado federal land management commission created in this section.

(b) "Region of the state" refers to the regions of the state established by the Division of Local Government in the Department of Local Affairs.

(2) There is hereby created the Colorado federal land management commission.

(3) The commission consists of fifteen members, appointed as follows:

(a) (I) Two county commissioners from each region of the state with fifty percent or more federal land within its boundaries as follows:

(A) The Northern Mountain Region;

(B) The Northwestern Region;

(C) The South Central Region; and

(D) The Southwestern Region;

(II) The county commissioners are appointed by the boards of county commissioners of the counties in each region;

(b) (I) One county commissioner from each region of the state with under fifty percent federal land within its boundaries as follows:

(A) The Central Region;

SB15-232
(B) THE NORTH CENTRAL REGION;

(C) THE NORTHEASTERN REGION; AND

(D) THE SOUTHEASTERN REGION;

(II) THE COUNTY COMMISSIONERS ARE APPOINTED BY THE BOARDS OF COUNTY COMMISSIONERS OF THE COUNTIES IN EACH REGION;

(c) THREE MEMBERS APPOINTED AS FOLLOWS:

(I) ONE MEMBER APPOINTED BY A WESTERN SLOPE ORGANIZATION THAT REPRESENTS TWENTY-TWO COUNTIES IN WESTERN COLORADO WITH AN UNDERSTANDING OF FEDERAL LANDS ISSUES;

(II) ONE MEMBER APPOINTED BY A SOUTHERN COLORADO ORGANIZATION THAT REPRESENTS TWENTY-TWO COUNTIES IN SOUTHERN COLORADO WITH AN UNDERSTANDING OF FEDERAL LANDS ISSUES; AND

(III) ONE MEMBER APPOINTED BY A NORTHEASTERN COLORADO ORGANIZATION THAT REPRESENTS FIFTEEN COUNTIES IN NORTHEASTERN COLORADO WITH AN UNDERSTANDING OF FEDERAL LANDS ISSUES.

(4) A VACANCY ON THE COMMISSION MUST BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

(5) THE COMMISSION SHALL HOLD ITS FIRST MEETING ON OR BEFORE NOVEMBER 1, 2015. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.

(6) WHILE ENGAGED IN THE BUSINESS OF THE COMMISSION, EACH COUNTY COMMISSIONER IS ENTITLED TO RECEIVE SUCH EXPENSE PER DIEM AND TRAVEL EXPENSES AS PROVIDED BY HIS OR HER BOARD OF COUNTY COMMISSIONERS. EACH BOARD OF COUNTY COMMISSIONERS SHALL PAY THE EXPENSE PER DIEM AND TRAVEL EXPENSES REQUIRED BY THIS SUBSECTION (6) TO THE MEMBER THAT IS APPOINTED BY THAT BOARD OF COUNTY COMMISSIONERS.
(7) THE BOARD OF COUNTY COMMISSIONERS OF EACH APPOINTED
COUNTY COMMISSIONER SHALL PROVIDE SUCH ADMINISTRATIVE SUPPORT
TO THE COMMISSION AS IS NECESSARY TO CARRY OUT ITS DUTIES.

(8) THE COMMISSION SHALL CONDUCT A STUDY TO ADDRESS THE
TRANSFER OF PUBLIC LANDS IN COLORADO FROM THE FEDERAL
GOVERNMENT TO THE STATE IN CONTEMPLATION OF CONGRESS TURNING
OVER THE MANAGEMENT AND CONTROL OF THOSE PUBLIC LANDS TO THE
STATE. THE STUDY MUST INCLUDE, WITHOUT LIMITATION:

(a) AN IDENTIFICATION OF THE PUBLIC LANDS TO BE TRANSFERRED
AND THE INTERESTS, RIGHTS, AND USES ASSOCIATED WITH THOSE LANDS;

(b) THE DEVELOPMENT OF A PROPOSED PLAN FOR THE
ADMINISTRATION, MANAGEMENT, AND USE OF THE PUBLIC LANDS,
INCLUDING, WITHOUT LIMITATION, THE DESIGNATION OF WILDERNESS OR
OTHER CONSERVATION AREAS OR THE SALE, LEASE, OR OTHER DISPOSITION
OF THOSE LANDS; AND

(c) AN ECONOMIC ANALYSIS CONCERNING THE TRANSFER OF THE
PUBLIC LANDS, INCLUDING, WITHOUT LIMITATION:

(I) THE IDENTIFICATION OF THE COSTS DIRECTLY INCIDENT TO THE
TRANSFER OF TITLE OF THOSE LANDS;

(II) THE IDENTIFICATION OF SOURCES OF REVENUE TO PAY FOR THE
ADMINISTRATION AND MAINTENANCE OF THOSE LANDS BY THE STATE;

(III) A DETERMINATION OF THE AMOUNT OF ANY REVENUE THAT
IS CURRENTLY RECEIVED BY THE STATE OR A POLITICAL SUBDIVISION OF
THE STATE IN CONNECTION WITH THOSE LANDS, INCLUDING, WITHOUT
LIMITATION, ANY PAYMENTS MADE IN LIEU OF TAXES AND MINERAL
LEASES; AND

(IV) THE IDENTIFICATION OF ANY POTENTIAL REVENUE TO BE
RECEIVED FROM THOSE LANDS BY THE STATE AFTER THE TRANSFER OF THE
LANDS AND RECOMMENDATIONS FOR THE DISTRIBUTION OF THOSE
REVENUES.

(9) THE COMMISSION SHALL SUBMIT ITS INITIAL REPORTS TO THE
AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE
HOUSE OF REPRESENTATIVES AND THE AGRICULTURE, NATURAL
RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
COMMITTEES, CONCERNING THE ACTIVITIES OF THE COMMISSION NO LATER
THAN APRIL 1, 2016, AND APRIL 4, 2017.

(10) (a) ON OR BEFORE NOVEMBER 1, 2017, THE COMMISSION
SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS
TO THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE
OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE, NATURAL
RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
COMMITTEES.

(b) ON OR BEFORE JANUARY 30, 2018, THE COMMISSION SHALL
MAKE A PRESENTATION OF ITS FINAL REPORT AT A JOINT MEETING OF THE
AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE
HOUSE OF REPRESENTATIVES AND THE AGRICULTURE, NATURAL
RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
COMMITTEES. ONE OR MORE MEMBERS OF THE COMMISSION MUST BE
AVAILABLE DURING SUCH PRESENTATION.

SECTION 3. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2016 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.