

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0678.01 Esther van Mourik x4215

SENATE BILL 15-232

SENATE SPONSORSHIP

Baumgardner and Sonnenberg,

HOUSE SPONSORSHIP

Coram,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO FEDERAL LAND**
102 **MANAGEMENT COMMISSION TO STUDY THE TRANSFER OF PUBLIC**
103 **LANDS IN COLORADO FROM THE FEDERAL GOVERNMENT TO THE**
104 **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

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.

- 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.

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

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

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

1 percent), Washington (over twenty-eight percent), and Wyoming (over
2 forty-eight percent);

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

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

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

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

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

23 (i) In light of the magnitude of federal management and control
24 of public lands in Colorado, a study by the state, in contemplation of
25 congress turning over the management and control of public lands in
26 Colorado to the state, would assist in ensuring that the transfer proceeds
27 in a timely and orderly manner.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 3-2-102 as
2 follows:

3 **3-2-102. Colorado federal land management commission -**
4 **creation - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (a) "COMMISSION" MEANS THE COLORADO FEDERAL LAND
7 MANAGEMENT COMMISSION CREATED IN THIS SECTION.

8 (b) "REGION OF THE STATE" REFERS TO THE REGIONS OF THE STATE
9 ESTABLISHED BY THE DIVISION OF LOCAL GOVERNMENT IN THE
10 DEPARTMENT OF LOCAL AFFAIRS.

11 (2) THERE IS HEREBY CREATED THE COLORADO FEDERAL LAND
12 MANAGEMENT COMMISSION.

13 (3) THE COMMISSION CONSISTS OF FIFTEEN MEMBERS, APPOINTED
14 AS FOLLOWS:

15 (a) (I) TWO COUNTY COMMISSIONERS FROM EACH REGION OF THE
16 STATE WITH FIFTY PERCENT OR MORE FEDERAL LAND WITHIN ITS
17 BOUNDARIES AS FOLLOWS:

18 (A) THE NORTHERN MOUNTAIN REGION;

19 (B) THE NORTHWESTERN REGION;

20 (C) THE SOUTH CENTRAL REGION; AND

21 (D) THE SOUTHWESTERN REGION;

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

24 (b) (I) ONE COUNTY COMMISSIONER FROM EACH REGION OF THE
25 STATE WITH UNDER FIFTY PERCENT FEDERAL LAND WITHIN ITS
26 BOUNDARIES AS FOLLOWS:

27 (A) THE CENTRAL REGION;

1 (B) THE NORTH CENTRAL REGION;
2 (C) THE NORTHEASTERN REGION; AND
3 (D) THE SOUTHEASTERN REGION;
4 (II) THE COUNTY COMMISSIONERS ARE APPOINTED BY THE BOARDS
5 OF COUNTY COMMISSIONERS OF THE COUNTIES IN EACH REGION;
6 (c) THREE MEMBERS APPOINTED AS FOLLOWS:
7 (I) ONE MEMBER APPOINTED BY A WESTERN SLOPE ORGANIZATION
8 THAT REPRESENTS TWENTY-TWO COUNTIES IN WESTERN COLORADO WITH
9 AN UNDERSTANDING OF FEDERAL LANDS ISSUES;
10 (II) ONE MEMBER APPOINTED BY A SOUTHERN COLORADO
11 ORGANIZATION THAT REPRESENTS TWENTY-TWO COUNTIES IN SOUTHERN
12 COLORADO WITH AN UNDERSTANDING OF FEDERAL LANDS ISSUES; AND
13 (III) ONE MEMBER APPOINTED BY A NORTHEASTERN COLORADO
14 ORGANIZATION THAT REPRESENTS FIFTEEN COUNTIES IN NORTHEASTERN
15 COLORADO WITH AN UNDERSTANDING OF FEDERAL LANDS ISSUES.
16 (4) A VACANCY ON THE COMMISSION MUST BE FILLED IN THE SAME
17 MANNER AS THE ORIGINAL APPOINTMENT.
18 (5) THE COMMISSION SHALL HOLD ITS FIRST MEETING ON OR
19 BEFORE NOVEMBER 1, 2015. AT THE FIRST MEETING, THE COMMISSION
20 SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.
21 (6) WHILE ENGAGED IN THE BUSINESS OF THE COMMISSION, EACH
22 COUNTY COMMISSIONER IS ENTITLED TO RECEIVE SUCH EXPENSE PER DIEM
23 AND TRAVEL EXPENSES AS PROVIDED BY HIS OR HER BOARD OF COUNTY
24 COMMISSIONERS. EACH BOARD OF COUNTY COMMISSIONERS SHALL PAY
25 THE EXPENSE PER DIEM AND TRAVEL EXPENSES REQUIRED BY THIS
26 SUBSECTION (6) TO THE MEMBER THAT IS APPOINTED BY THAT BOARD OF
27 COUNTY COMMISSIONERS.

1 (7) THE BOARD OF COUNTY COMMISSIONERS OF EACH APPOINTED
2 COUNTY COMMISSIONER SHALL PROVIDE SUCH ADMINISTRATIVE SUPPORT
3 TO THE COMMISSION AS IS NECESSARY TO CARRY OUT ITS DUTIES.

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

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

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

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

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

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

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

27 (IV) THE IDENTIFICATION OF ANY POTENTIAL REVENUE TO BE

1 RECEIVED FROM THOSE LANDS BY THE STATE AFTER THE TRANSFER OF THE
2 LANDS AND RECOMMENDATIONS FOR THE DISTRIBUTION OF THOSE
3 REVENUES.

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

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

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

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2016 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.