

CHAPTER 51

GOVERNMENT - STATE

HOUSE BILL 18-1249

BY REPRESENTATIVE(S) Rankin and Hamner, Young, Arndt, Becker J., Catlin, Hooton, Lawrence, Thurlow, Valdez, Willett, Duran;
also SENATOR(S) Lundberg, Lambert, Moreno, Baumgardner, Cooke, Coram, Court, Crowder, Donovan, Garcia, Gardner, Marble, Martinez Humenik, Neville T., Scott, Sonnenberg, Tate, Grantham.

AN ACT

CONCERNING THE REQUIREMENT THAT THE STATE TREASURER DISTRIBUTE ANY FEDERAL FUNDS RELATED TO THE NAVAL OIL SHALE RESERVE LAND TO SPECIFIED COUNTIES OR THEIR FEDERAL MINERAL LEASE DISTRICTS.

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

SECTION 1. In Colorado Revised Statutes, 30-20-1303, **amend** (3) as follows:

30-20-1303. Definitions. As used in this part 13, unless the context otherwise requires:

(3) "Funding" means the direct distribution of ~~moneys~~ MONEY from the local government mineral impact fund to counties as described in section 34-63-102 (5.4)(c) ~~C.R.S.~~ OR A DISTRIBUTION TO THE COUNTY IN ACCORDANCE WITH SECTION 34-63-104 (3).

SECTION 2. In Colorado Revised Statutes, 30-20-1304, **amend** (4) as follows:

30-20-1304. Power to create federal mineral lease districts. (4) No later than the first business day after the adoption of a resolution, the county clerk and recorder shall transmit a certified copy of the resolution to the executive director of the department of local affairs, who shall, upon receipt of the certified copy of the resolution, allocate all future funding directly to the district. THE STATE TREASURER SHALL ALLOCATE ALL FUNDING IN ACCORDANCE WITH SECTION 34-63-104 (3) DIRECTLY TO THE DISTRICT.

SECTION 3. In Colorado Revised Statutes, 34-63-104, **add** (3) as follows:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

34-63-104. Special funds relating to oil shale lands - naval oil shale reserves - distribution to local governments - legislative declaration. (3) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) COLORADO IS THE LOCATION OF TWO FEDERAL NAVAL OIL SHALE RESERVES (NOSR), NUMBERS 1 AND 3;

(II) CONGRESS PASSED THE FEDERAL "TRANSFER ACT", CODIFIED AT 10 U.S.C. SEC. 7439, AS AMENDED, WHICH TRANSFERRED ADMINISTRATIVE JURISDICTION OVER NOSR 1 AND 3 FROM THE UNITED STATES SECRETARY OF ENERGY TO THE UNITED STATES SECRETARY OF THE INTERIOR AND REQUIRES THE SECRETARY OF THE INTERIOR TO MANAGE THE TRANSFERRED LANDS THROUGH THE FEDERAL BUREAU OF LAND MANAGEMENT;

(III) THE FEDERAL "TRANSFER ACT" FURTHER SPECIFIED THAT ROYALTIES COLLECTED FROM NOSR 1 AND 3 WOULD BE PLACED IN THE UNITED STATES TREASURY AND NOT DISTRIBUTED TO THE STATE UNTIL THERE WAS ENOUGH MONEY IN THE TREASURY TO REIMBURSE THE UNITED STATES FOR PREVIOUS COSTS INCURRED RELATING TO THE TRANSFERRED LANDS AND TO PROVIDE FOR CLEANUP OF THE ANVIL POINTS SITE AT NOSR 3;

(IV) AS A RESULT, MORE THAN ONE HUNDRED THIRTEEN MILLION DOLLARS WAS WITHHELD FROM DISTRIBUTION TO THE STATE FROM 1997 TO 2008, AND THIS AMOUNT FAR EXCEEDED THE AMOUNT NEEDED FOR THE REIMBURSEMENT AND THE CLEANUP;

(V) APPROXIMATELY EIGHTY MILLION DOLLARS OF THESE FUNDS HAS BEEN SPENT;

(VI) IT IS ANTICIPATED THAT A PORTION OF THE WITHHELD MONEY MAY SOON BE DISBURSED TO THE STATE;

(VII) GARFIELD, RIO BLANCO, MESA, AND MOFFAT COUNTIES MADE SIGNIFICANT EXPENDITURES TO ADDRESS THE IMPACTS OF THE OPERATION OF THE ANVIL POINTS SITE AND THE MINERAL EXTRACTION FROM WHICH THE WITHHELD MONEY WAS DERIVED, BUT HAVE NOT RECEIVED ANY STATE OR FEDERAL MONEY AS REIMBURSEMENT; AND

(VIII) THE COUNTIES HAVE BEEN INSTRUMENTAL IN THE RELEASE OF THE WITHHELD MONEY.

(b) IF THE STATE RECEIVES ANY MONEY IN ACCORDANCE WITH THE FEDERAL "MINERAL LANDS LEASING ACT" OF FEBRUARY 25, 1920, AS AMENDED, THAT WAS SET ASIDE PRIOR TO JANUARY 1, 2009, AND WITHHELD BY THE FEDERAL GOVERNMENT IN ACCORDANCE WITH 10 U.S.C. SEC. 7439, AS AMENDED, THEN THE STATE TREASURER SHALL DISTRIBUTE THE MONEY TO THE FOLLOWING COUNTIES OR RELATED FEDERAL MINERAL LEASE DISTRICTS, IF APPLICABLE:

(I) FORTY PERCENT TO GARFIELD COUNTY;

(II) FORTY PERCENT TO RIO BLANCO COUNTY;

(III) TEN PERCENT TO MESA COUNTY; AND

(IV) TEN PERCENT TO MOFFAT COUNTY.

(c) THE STATE TREASURER SHALL CONSULT WITH THE DEPARTMENT OF LOCAL AFFAIRS TO DETERMINE WHETHER A COUNTY IDENTIFIED IN SUBSECTION (3)(b) OF THIS SECTION HAS CREATED A FEDERAL MINERAL LEASE DISTRICT IN ACCORDANCE WITH THE "FEDERAL MINERAL LEASE DISTRICT ACT", PART 13 OF ARTICLE 20 OF TITLE 30. IF A COUNTY HAS CREATED A DISTRICT, THE STATE TREASURER SHALL DISTRIBUTE ANY MONEY IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION DIRECTLY TO THE DISTRICT.

SECTION 4. 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.

Approved: March 22, 2018