

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-1049.01 Esther van Mourik

HOUSE BILL 11-1308

HOUSE SPONSORSHIP

Baumgardner, Becker, Bradford, Brown, Coram, Holbert, Joshi, Kerr J., McKinley, Murray, Ramirez, Scott, Swerdfeger

SENATE SPONSORSHIP

King S., Harvey, White

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISTRIBUTION OF FEDERAL MINERAL LEASING**
102 **REVENUES RELATED TO NAVAL OIL SHALE RESERVES TO**
103 **AFFECTED COUNTIES IN COLORADO.**

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 specifies that all moneys received by the state from the United States treasury out of the anvil points fund shall be directly transferred by the state treasurer to the county treasurers of the affected counties as follows:

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.

- ! 40% to Garfield county;
- ! 40% to Rio Blanco county;
- ! 10% to Mesa county; and
- ! 10% to Moffat county.

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

2 **SECTION 1.** 34-63-104, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **34-63-104. Special funds relating to oil shale lands - legislative**
5 **declaration.** (3) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND
6 DECLARES THAT:

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

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

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

22 (IV) REVENUE FROM OIL AND GAS LEASES ON NOSR 3 GENERATED
23 MONEY QUICKLY, AND WHEN AN ACCOUNTING OF THE AMOUNT OF MONEYS

1 IN THE FUND OCCURRED IN AUGUST 2008, THE ANVIL POINTS FUND
2 CONTAINED ONE HUNDRED TWELVE MILLION TWO HUNDRED THOUSAND
3 DOLLARS;

4 (V) OF THE ONE HUNDRED TWELVE MILLION TWO HUNDRED
5 THOUSAND DOLLARS IN THE ANVIL POINTS FUND AS OF AUGUST 2008,
6 THIRTY-NINE MILLION FOUR HUNDRED THOUSAND DOLLARS WAS
7 OBLIGATED TO THE FEDERAL GOVERNMENT TO PAY FOR PREVIOUS COSTS
8 INCURRED AT THE SITE, TWENTY-FOUR MILLION DOLLARS WAS OBLIGATED
9 TO PAY FOR THE ACTUAL CLEANUP OF THE SITE, AND THE FORTY-EIGHT
10 MILLION EIGHT HUNDRED THOUSAND DOLLARS REMAINING IN THE FUND
11 SHOULD GO TO THE STATE OF COLORADO FOR DISBURSEMENT TO THE
12 COUNTIES AFFECTED BY NOSR 1 AND 3 PURSUANT TO SECTION 35 OF THE
13 FEDERAL "MINERAL LEASING ACT", 30 U.S.C. SEC. 181 ET SEQ.;

14 (VI) SINCE THE AUGUST 2008 ACCOUNTING, THE AMOUNT OF
15 MONEYS IN THE ANVIL POINTS FUND HAS CONTINUED TO INCREASE FAR
16 BEYOND WHAT WAS NEEDED TO REIMBURSE THE FEDERAL GOVERNMENT
17 AND TO PAY FOR THE CLEANUP AT THE ANVIL POINTS SITE;

18 (VII) IT WAS UNDERSTOOD THAT ONCE THERE WAS ENOUGH
19 MONEY TO REIMBURSE THE FEDERAL GOVERNMENT AND TO PAY FOR THE
20 CLEANUP OF THE ANVIL POINTS SITE, THE REMAINING MONEYS IN THE FUND
21 WOULD BE DISTRIBUTED TO THE AFFECTED COUNTIES OF GARFIELD, RIO
22 BLANCO, MESA, AND MOFFAT;

23 (VIII) DUE TO AN OVERSIGHT IN THE FEDERAL "TRANSFER ACT",
24 THE REMAINING MONEYS WILL REMAIN IN THE UNITED STATES TREASURY
25 INSTEAD OF BEING DISBURSED TO THE STATE OF COLORADO PURSUANT TO
26 THE FEDERAL "MINERAL LEASING ACT" UNLESS THERE IS FEDERAL
27 LEGISLATION DIRECTING SUCH DISBURSEMENT; AND

1 (IX) IN 2009, UNITED STATES SENATORS MARK UDALL AND
2 MICHAEL BENNETT INTRODUCED BILLS TO REQUIRE THE REMAINING
3 MONEYS IN THE ANVIL POINTS FUND TO BE TRANSFERRED FROM THE
4 UNITED STATES TREASURY TO THE AFFECTED COUNTIES OF THE STATE OF
5 COLORADO, BUT THE LEGISLATION WAS NEVER PASSED.

6 (b) PURSUANT TO THE AUTHORITY SPECIFIED IN SECTION
7 34-63-101, ALL MONEYS RECEIVED BY THE STATE FROM THE UNITED
8 STATES TREASURY OUT OF THE ANVIL POINTS FUND SHALL BE DIRECTLY
9 TRANSFERRED BY THE STATE TREASURER TO THE COUNTY TREASURERS OF
10 THE AFFECTED COUNTIES AS FOLLOWS:

11 (I) FORTY PERCENT TO GARFIELD COUNTY;

12 (II) FORTY PERCENT TO RIO BLANCO COUNTY;

13 (III) TEN PERCENT TO MESA COUNTY; AND

14 (IV) TEN PERCENT TO MOFFAT COUNTY.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.