



**Colorado  
Legislative  
Council  
Staff**

**HB16-1044**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated January 26, 2016)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0663  
**Prime Sponsor(s):** Rep. Becker J.  
Sen. Hill

**Date:** February 5, 2016  
**Bill Status:** Senate Finance  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** EXTEND REPEAL DATES PETROLEUM STORAGE TANK FUND

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018	FY 2018-2019
State Revenue			about \$40 million
State Expenditures			about \$40 million
FTE Position Change			36.0 FTE
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Continuing state revenue and expenditure impacts.			

**Summary of Legislation**

The **reengrossed bill** extends two repeal dates related to the Petroleum Storage Tank Fund (fund) by five years. First, the bill extends to September 1, 2023, from July 1, 2018, a trigger that would reduce the environmental response surcharge assessment to a flat \$25, or eliminate it entirely if the fund balance exceeded \$8 million. Second, the bill extends to September 1, 2023, from July 1, 2018, the law authorizing the use of the fund for petroleum storage tank facility inspections and meter calibrations.

**Background**

The continuously appropriated Petroleum Storage Tank Fund (fund), created in 1989 and approved as a TABOR-exempt enterprise in 2005, reimburses eligible applicants, awarded by the Petroleum Storage Tank Committee under the Division of Oil and Public Safety in Department of Labor and Employment (CDLE), for the costs of cleaning up both underground and aboveground petroleum tank contamination. Applicants are responsible for the first \$10,000 of clean up costs, and reimbursement cannot exceed \$2 million per release occurrence or \$3 million in aggregate per applicant per fiscal year.

Fund revenue comes primarily from an environmental response surcharge—paid to the Department of Revenue (DOR)—assessed on all petroleum products, excluding railroad and aircraft fuel. As of June 30, 2015, the total fund balance was about \$4.9 million, and its net cash balance (without liabilities) was about \$1.3 million. The environmental response surcharge is assessed according to the net cash balance of the fund. Table 1 illustrates the variable environmental response surcharge rate assessment under current law.

<b>Table 1. Surcharge Rates</b>	
<b>Fund Balance</b>	<b>Surcharge per Tankload</b>
Above \$12 million	None
\$6 to \$12 million	\$50
\$3 to \$6 million	\$75
Below \$3 million	\$100
<b>Current Rate</b>	<b>\$100</b>

Source: Section 8-20-206.5, C.R.S.; CDLE

**State Revenue**

Because the bill continues the current environmental surcharge rate structure past July 1, 2018, state cash fund revenues to the continuously appropriated Petroleum Storage Tank Fund (fund) are expected to continue at a rate of about \$40 million per year beginning in FY 2018-19. The surcharge makes up about 98 percent of fund revenues. It is expected that these revenues will allow the Division of Oil and Public Safety in CDLE to maintain staff and fund resources to address petroleum storage tank contamination.

**State Expenditures**

Under the bill, state cash fund expenditures will continue in the Department of Revenue and the Department of Labor and Employment beginning in FY 2018-19. The Department of Revenue, which administers the surcharge, will continue to absorb this minimal accounting workload impact in FY 2018-19. The Division of Oil and Public Safety in CDLE spends about \$40 million annually, of which \$3 million a year is appropriated for 36.0 FTE—including 10 field inspectors, 2 laboratory coordinators, and 24 environmental specialists and office staff—and operating costs, while the remaining \$37 million is dedicated to clean up costs, awarded to operators by the Petroleum Storage Tank Committee.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed, and applies to conduct occurring on or after that date.

**State and Local Government Contacts**

Counties  
Local Affairs

Information Technology  
Revenue

Labor  
Transportation