



**Colorado  
Legislative  
Council  
Staff**

**HB17-1256**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated March 20, 2017)

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

**Drafting Number:** LLS 17-0460

**Date:** April 7, 2017

**Prime Sponsor(s):** Rep. Foote  
Sen. Aguilar; Jones

**Bill Status:** Senate Agriculture

**Fiscal Analyst:** Josh Abram (303-866-3561)

**BILL TOPIC:** OIL & GAS FACILITIES DISTANCE FROM SCHOOL PROPERTY

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b>	Potential reduction. See State Revenue section	
<b>State Expenditures</b>	<b>up to \$5,800</b>	
Cash Funds	up to 5,800	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> None.		

**Summary of Legislation**

Current rules adopted by the Colorado Oil and Gas Conservation Commission (COGCC) in the Department of Natural Resources require that new sites for oil and gas operations be located at least 1,000 feet from school buildings and other high occupancy buildings. This **reengrossed** bill requires that the minimum setback distance apply to the school property line, and not the school building. The setback requirement is applied to public schools, private schools, and child care centers. The bill also clarifies that setback requirements do not apply if a school begins operations near oil and gas facilities that are already permitted or in use.

**State Revenue**

The bill may prohibit the siting of new oil and gas operations on lands that are currently available for development, potentially reducing oil and gas production, and the severance tax and conservation mill levy revenue collected by the state. There is not enough data to precisely estimate the revenue impact of this reduction; however, the increased surface area of land that will be removed from siting new operations is small, and any reduction in revenue as a result is expected to be minimal.

**State Expenditures**

***For FY 2017-18 only, the bill increases cash fund expenditures in the Department of Natural Resources by up to \$5,800 as discussed below.***

The bill requires a revised framework for the location assessment of new oil and gas production facilities. Under current COGCC rules, this assessment is calculated by applying a setback requirement of 1,000 feet from a school or other high occupancy building. This bill requires the setback be calculated with a minimum distance of 1,000 feet from a school's nearest property line. As a result, the COGCC must make conforming changes to existing rules, redraft the oil and gas location assessment process, and update rules concerning setback and mitigation measures. COGCC staff will update rules and procedures with assistance from the Department of Law.

Rulemaking by the COGCC is anticipated to increase state expenditures by up to \$5,800. A similar rulemaking concerning setbacks for oil and gas development took place in 2013. Rulemaking as a result of this bill is anticipated to be less complex and require less effort than the rule making in 2013. The COGCC can anticipate requiring approximately 40 hours of legal services from the Department of Law, at a blended rate of \$95.05 per hour, for a one-time legal services cost of \$3,802. Additional expenses for rulemaking, such as travel, meals, public notices, and materials, are estimated at \$2,000. This one-time expense can be accomplished within existing resources, and does not require additional appropriations for FY 2017-18.

### **Local Government Impact**

Similar to the revenue impact to the state described above, local governments may forego a *de minimis* amount of ad valorem taxes as a result of eliminating some sites for oil and gas development that would remain available under current law. To the extent that some oil and gas operations are precluded from accessing a productive site, local governments may realize a reduced property tax base to assesses local mill levies.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to oil and gas production facilities and wells permitted on or after that date.

### **State and Local Government Contacts**

Natural Resources

Public Health And Environment