



Legislative Council Staff

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Final Fiscal Note

Drafting Number:	LLS 21-0630	Date:	July 23, 2021
Prime Sponsors:	Sen. Kirkmeyer	Bill Status:	Deemed Lost
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Bill Topic: MINIMUM SETBACK NEW SCHOOLS FROM EXISTING OIL & GAS

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> School District

The bill would have required that newly constructed school buildings be set back from existing oil and gas facilities. It may have increased school district expenditures on an ongoing basis.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The fiscal note reflects the introduced bill. The bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill requires that newly constructed school buildings be set back from existing oil and gas facilities to the same degree that new oil and gas facilities must be set back from existing schools. The setback distance is the distance required by the local government, or if there is no local government setback requirement, the distance required in rules established by the Oil and Gas Conservation Commission.

Background

Under current law, local governments are authorized to regulate the location and siting of oil and gas facilities. If the local government does not have a setback requirement, the setback distance established by the Colorado Oil and Gas Conservation Commission applies. The current rule requires that no working pad surface may be located within 2,000 feet of a school facility. The setbacks established by the commission regulate the distance between new oil and gas facilities and existing schools, but do not apply to new schools and existing oil and gas facilities.

The commission maintains GIS data detailing oil and gas facility locations, which is freely available to the public.

School District

The bill introduces a new limitation on the siting of school buildings. Building in alternative locations may affect costs such as land acquisition, construction costs for alternative building type, and transportation.

Effective Date

The bill was deemed lost on June 16, 2021.

State and Local Government Contacts

School Districts	Education	Counties	Municipalities
Natural Resources	Local Affairs	Law	Public Health and Environment