HB 18-1249

Legislative Council Staff

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FISCAL NOTE

Drafting Number:	LLS 18-0976	**Date:**	February 23, 2018
Prime Sponsors:	Rep. Rankin Sen. Lundberg	**Bill Status:**	House Finance
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Bill Topic: ANVIL POINTS FEDERAL MINERAL LEASE DISTRIBUTION

Summary of Fiscal Impact:

- ☐ State Revenue
- ☒ State Expenditure
- ☒ State Transfer
- ☐ TABOR Refund
- ☒ Local Government
- ☐ Statutory Public Entity

This bill changes the distribution of certain federal mineral lease funds, directing these moneys to local governments rather than to the state. It reduces state transfers to specific state cash funds and school districts, reduces state expenditures, and increases local government revenues and expenditures. As of this writing, the exact timing and amount of these impacts is unknown.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the Joint Budget Committee.

Table 1
State Fiscal Impacts under HB 18-1249

		FY 2018-19*	FY 2019-20
Revenue	**Total**		
Expenditures	Cash Funds	(up to $33 million)	
Transfers	Mineral Leasing Fund	(up to $33 million)	
	Various Cash Funds	(up to $33 million)	

* For illustrative purposes, these impacts are shown in FY 2018-19; however, the exact timing of these impacts in unknown. See the State Transfer and State Expenditures sections.

Summary of Legislation

The bill changes the distribution of any royalties received from the state's share of previously withheld federal mineral lease (FML) revenue from oil and gas production on naval oil shale reserve land. Instead of depositing this money in the state's Mineral Leasing Fund, the state treasurer is required to distribute these moneys as follows:

- 40 percent to Garfield County;
- 40 percent to Rio Blanco County;
- 10 percent to Mesa County; and
- 10 percent to Moffat County.

The bill amends the Federal Mineral Lease District Act to permit distributions to a FML district, if one exists, on behalf of a county. The state treasurer is required to consult with the Department of Local Affairs to determine if an applicable FML district exists prior to making any disbursements.

Background

Under current law, moneys in the Mineral Leasing Fund are distributed on a quarterly basis, as follows:

- 48.3 percent to the State Public School Fund to support public schools;
- 40.0 percent to the Local Government Mineral Impact Fund to be allocated by the Department of Local Affairs to local governments through formula-based distributions and grants;
- 10.0 percent to the Colorado Water Conservation Board Construction Fund for water projects; and
- 1.7 percent to school districts that are located in counties that are directly impacted by mineral production.

The federal government withheld approximately $113 million from Colorado related to the Anvil Points site and expended approximately $80 million of this amount for clean up of the site. As of this writing, the exact timing and amount of any federal disbursements of the balance of these moneys is unknown.

State Transfers

This bill reduces transfers from the Mineral Leasing Fund to the State Public School Fund, Local Government Mineral Impact Fund, and the Colorado Water Conservation Board Construction Fund. Based on the known Anvil Points site expenditures, the value of these transfers could be up to $33 million; however, the exact amount and timing of any federal payments from which these transfers would be reduced is not known. For illustrative purposes, and assuming a reduction of $33 million, state transfers from the Mineral Leasing Fund will be reduced as follows:

- ($15,939,000) to the State Public School Fund;
- ($13,200,000) to the Local Government Mineral Impact Fund;
- ($3,300,000) to the Colorado Water Conservation Board Construction Fund; and
- ($561,000) to school districts located in counties directly impacted by mineral production.

State Expenditures

As shown in the State Transfers section above, state expenditures will be reduced by up to $33 million in proportion to the amount of the reduced transfers from the Mineral Leasing Fund.

Local Government and School Districts

This bill impacts local governments in several ways.

Increased funds to specific counties. The bill directs certain moneys that would otherwise be deposited into the Mineral Leasing Fund to instead be distributed to certain counties. Using the assumptions above, these moneys would be distributed as follows:

- $13.2 million to Garfield County;
- $13.2 million to Rio Blanco County;
- $3.3 million to Mesa County; and
- $3.3 million to Moffat County.

School Districts. Based on the assumptions listed above, up to $16.5 million will be reduced from school district related expenditures. This includes up to $15.9 million from the State Public School Fund and up to $561,000 to school districts located in counties directly impact by mineral production.

Local government formula distributions and grants. Funds distributed by the Department of Local Affairs as formula-based distributions and grants made to local governments will be reduced by up $13.2 million. The exact impact to particular jurisdictions has not been estimated.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties   Local Affairs   Natural Resources   Treasury