



Fiscal Note
Legislative Council Staff
Nonpartisan Services for Colorado’s Legislature

SB 25-253: REMOVE FEE REVERSION ANIMAL FEED OPS PROGRAM

Prime Sponsors:

Sen. Bridges; Kirkmeyer
Rep. Sirota; Taggart

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Fiscal note status: This fiscal note reflects the introduced bill, which was recommended by the Joint Budget Committee as part of the FY 2025-26 Long Bill budget package.

Summary Information

Overview. The bill allows the Department of Public Health and Environment to collect fees from animal feeding operations at the current fee levels indefinitely.

Types of impacts. The bill is projected to affect the following areas indefinitely beginning in FY 2025-26:

- State Revenue
- TABOR Refunds

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue (Cash Funds) ¹	\$237,120	\$237,120
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$237,120	\$237,120
Change in State FTE	0.0 FTE	0.0 FTE

¹ These amounts represent the net revenue impact of the bill, which allows the current fee levels to continue indefinitely, rather than reverting to pre-2009 fee levels.

Summary of Legislation

Under current law, the fee amounts that can be collected by the Colorado Department of Public Health and Environment (CDPHE) from concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations (HCSFOs) are set to revert to pre-2009 levels on July 1, 2025. This bill allows CDPHE to collect fees at the current levels indefinitely.

Background

Fees for CAFOs and HCSFOs were first levied in 2007, after the passage of Senate Bill 06-117, subsequently increased under House Bill 09-1330, and continued by House Bill 12-1083, House Bill 15-1249, and, most recently, [Senate Bill 18-033](#), which continued the fee through June 30, 2025. These fees fund the Animal Feeding Operations Program within CDPHE to monitor environmental impacts of CAFOs and HCSFOs across the state. Based on the JBC Staff's FY 2025-26 figure setting document for CDPHE, the program's FY 2025-26 funding is set at \$563,807 and 3.4 FTE, including \$111,782 General Fund and \$452,025 from the Animal Feeding Operations Fund, not including centrally appropriated line items.

Revenue to CDPHE from these fees has ranged from \$450,000 to \$500,000 annually since 2009. If fees were to revert to pre-2009 levels, then revenue collections would total approximately \$255,000 per year and be insufficient to meet the current program funding levels.

State Revenue

The bill increases state revenue in CDPHE by approximately \$237,000 annually beginning FY 2025-26 to the Animal Feeding Operations Fund, compared to if fees were to revert to pre-2009 levels under current law. Total fee revenue is anticipated at \$492,032 in FY 2025-26.

Fee Impact on CAFOs and HCSFOs

Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are based on the continuation of current fee levels administered by CDPHE. Fees are charged per operation, per animal, or a combination of both. The impact of these fees is shown in Table 2.

Table 2
Fee Impact on CAFOs and HCSFOs
FY 2025-26

Type of Fee	Fee	Number Affected	Total Fee Impact
CAFO General Permit	\$750	104	\$78,000
CAFO Permitted Animal	\$0.09	1,770,515	\$159,346
CAFO Individual Permit	\$1,500	1	\$1,500
Registered (Unpermitted) CAFO	\$0.06	805,292	\$48,318
HCSFO Annual Permit	\$0.26	787,953	\$204,868
Minus Revenue under Current Law			-\$254,911
Total Fee Revenue – FY 2025-26			\$237,120

TABOR Refunds

The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the March 2025 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

Effective Date

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

State and Local Government Contacts

Joint Budget Committee

Public Health and Environment

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).