



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 21-0383	<b>Date:</b>	August 17, 2021
<b>Prime Sponsors:</b>	Rep. Young; Valdez D. Sen. Fields	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** **INVASIVE PEST CONTROL ADMINISTRATION**

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**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input checked="" type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill creates a new cash fund to support emergency measures to control pests and authorizes the Agriculture Commissioner to participate in specific pest control measures. It will increase workload and fund transfers beginning in FY 2021-22 and future years.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the enacted bill.

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## Summary of Legislation

This bill creates the Emergency Invasive-Pest Response Fund (pest response fund) in the Department of Agriculture (CDA) to be used for emergency measures to control pests. The Agriculture Commissioner may transfer money from the Plant Health, Pest Control, and Environmental Protection Cash Fund (plant fund) to the pest response fund at the end of each fiscal year. The pest response fund can accept gifts, grants, and donations and money appropriated or transferred by the General Assembly. The pest response fund is not subject to limits on cash fund reserves.

The bill also authorizes but does not require the commissioner to:

- enter into agreements to provide pest control services to local governments with fees deposited into the pest response fund;
- work cooperatively with the United States Secretary of Agriculture to implement a joint phytosanitary program if feasible;
- quarantine a regulated article if it may harbor a pest that can be acceptably controlled; and
- identify a public nuisance that creates an unacceptable risk of spreading a pest, and coordinate with industry to support local governments to quarantine, control, or eradicate an invasive pest.

The State Agricultural Commission may establish procedures for determining what a public nuisance is, but the commissioner makes the determination. A board of county commissioners may declare a pest to be a public nuisance and require its control or eradication.

The CDA is required to report the amount and source of money received at its SMART Act hearing.

## State Revenue

This bill has the potential to increase state revenue to the pest response fund from fees for services provided as well as gifts, grants and donations. Revenue from fees are subject to TABOR.

## State Transfers

The first transfer from plant fund to the pest response fund that can be made under the bill will be in June 2022 at the end of FY 2021-22, and requires a request from the commissioner. The amount the transfer will depend on the balance of the plant fund and plans for expenditures from the pest response fund.

## State Expenditures

If the commissioner chooses to use any or all of the authority created under the bill, the workload of the CDA will increase. This increase is not expected to require an increase in appropriations in the near term. When the new cash fund has a sufficient balance, the CDA will request an appropriation through the annual budget process.

**TABOR refunds.** The bill may increase the amount of state revenue required to be refunded to taxpayers. TABOR refunds are paid from the General Fund. This estimate is based on the June 2021 LCS revenue forecast, which incorporates the revenue impacts of bills passed during the 2021 session. A forecast of state revenue subject to TABOR is not available beyond FY 2022-23.

**Federal ARPA funds.** This bill may increase state revenue, which may impact the state's flexibility in spending federal American Rescue Plan Act (ARPA) funds. For more information, see the LCS memo, titled "Legislative Changes and Flexibility in Use of American Rescue Plan Funds," available online at: <https://leg.colorado.gov/node/2211881>.

## Local Government

Local governments may receive from, or provide pest control services to, the CDA resulting in expenditures or revenue respectively. When the pest response fund has a sufficient balance, local governments may receive grants to pay for quarantine, control and eradication efforts.

## Effective Date

The bill was signed into law by the Governor on May 20, 2021, and takes effect on September 7, 2021, assuming no referendum petition is filed.

## State and Local Government Contacts

Agriculture  
Information Technology

Counties  
Municipalities