

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE ADMINISTRATION OF THE EXISTING RETAIL DELIVERY FEES COLLECTED BY THE DEPARTMENT OF REVENUE.

Prime Sponsors: Sens. Fenberg and Van Winkle

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Date Prepared: February 27, 2023

Appropriation Items of Note

Appropriation Required, Amendment in Packet

TABOR Impact

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/16/23.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision:

- Reducing the FY 2022-23 Long Bill appropriation to the Department of Transportation for Multimodal Transportation Projects by \$28,482 from the Multimodal Transportation and Mitigation Options Fund and for the Clean Transit Enterprise by \$34,020 from the Clean Transit Enterprise Fund;
- Reducing any FY 2023-24 Long Bill appropriation to the Department of

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- Transportation for Multimodal Transportation Projects by \$125,933 from the Multimodal Transportation and Mitigation Options Fund and for the Clean Transit Enterprise by \$150,422 from the Clean Transit Enterprise Fund; and
Appropriating \$17,086 from the DRIVES Cash Fund to the Department of Revenue for FY 2023-24.

Points to Consider

TABOR/ Excess State Revenues Impact

The December 2022 Legislative Council Staff (LCS) revenue forecast projects a TABOR surplus liability of \$2.47 billion for FY 2022-23, \$1.53 billion for FY 2023-24, and \$1.37 billion for FY 2024-25. These sums must be refunded to taxpayers out of the General Fund. Legislation that decreases non-exempt revenue (such as cash funds) to the State will decrease the TABOR refund made out of the General Fund. This will increase the amount of General Fund available for programs.

The Joint Budget Committee (JBC) is developing a budget package for FY 2023-24. This bill is estimated to decrease cash fund revenues subject to TABOR by \$96,209 in FY 2022-23, \$425,394 in FY 2023-24, and \$461,363 in FY 2024-25, which will increase the available General Fund in each fiscal year by an equal amount.