



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0217	Date:	February 9, 2024
Prime Sponsors:	Rep. Kipp; Froelich Sen. Cutter; Jaquez Lewis	Bill Status:	House Energy & Environment
		Fiscal Analyst:	Alexa Kelly 303-866-3469 alexa.kelly@coleg.gov

Bill Topic: LOCAL GOVERNMENT AUTHORITY TO REGULATE PESTICIDES

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

The bill gives local governments authority to regulate the sale and use of pesticides. It increases state expenditures and may increase local government expenditures on an ongoing basis.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$45,807 to the Department of Agriculture.

Fiscal Note Status: The fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under HB 24-1178**

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-
Expenditures	Cash Funds	\$45,807	\$39,137
	Centrally Appropriated	\$7,673	\$7,673
	Total Expenditures	\$53,480	\$46,810
	Total FTE	0.5 FTE	0.5 FTE
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

The bill allows a county or a municipality to create and enforce an ordinance, resolution, regulation, or other law regulating the sale or use of pesticides. A local government may not enforce any regulation that limits pesticide use:

- for the production of agricultural products;
- for dry-up, revegetation, or noxious weed management of land in a water conservation program or land where irrigation water is being limited;
- by a public utility to protect infrastructure;
- for the operation of a water supply collection or distribution facility; or
- for the cultivation of marijuana.

State Expenditures

The bill increases state expenditures in the Department of Agriculture by about \$53,000 in FY 2024-25 and \$47,000 in FY 2025-26 and in future years, paid from the Plant Health, Pest Control, and Environmental Protection Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 24-1178

	FY 2024-25	FY 2025-26
Department of Agriculture		
Personal Services	\$38,497	\$38,497
Operating Expenses	\$640	\$640
Capital Outlay Costs	\$6,670	-
Centrally Appropriated Costs ¹	\$7,673	\$7,673
Total Cost	\$53,480	\$46,810
Total FTE	0.5 FTE	0.5 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Staff. Beginning in FY 2024-25, the CDA requires 0.5 FTE to respond to inquiries from local governments and provide technical support in creating new regulations from local governments. The CDA will review any regulations created by local governments to ensure compliance with state and federal law. Local regulations must be added to the state certification plan, which is filed with the federal Environmental Protection Agency (EPA). This requires staff to coordinate with local governments and the EPA for any new local regulations.

The bill does not currently allow for the CDA to have time to review local regulations before they are enacted. In cases where regulations do not comply with state or local law, the CDA may be required to pursue legal action through the courts, which has the potential create legal costs for the department. This impact has not been estimated in this fiscal note. If additional legal expenses are incurred to implement the bill, the CDA will request funding as needed through the budget process.

Local Government

The bill minimally increases workload for local governments that choose to implement and enforce a regulation for the use and application of pesticides.

Technical Note

This fiscal note assumes that the bill does not delegate the enforcement of pesticide use as is described on individual pesticide product labels, which are regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). If local governments attempt to regulate use in this manner, the fiscal impacts of the bill will likely vary from this analysis.

Effective Date

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

State Appropriations

For FY 2024-25, the bill requires an appropriation of \$45,807 from the Plant Health, Pest Control, and Environmental Protection Fund to the Department of Agriculture, and 0.5 FTE.

State and Local Government Contacts

Agriculture
Counties

Local Affairs
Regulatory Agencies

Natural Resources
Municipalities

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](#).