

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE REGULATION OF STATE WATERS IN RESPONSE TO RECENT FEDERAL COURT ACTION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Reps. McCluskie and McCormick	JBC Analyst: Andrew McLeer
Sens. Roberts and Kirkmeyer	Phone: 303-866-4959
	Date Prepared: May 4, 2024

Appropriation Items of Note

Appropriation Already Added to Bill, No Amendment in Packet

General Fund/TABOR Impact

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 05/02/24.

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

The Finance Committee Report (05/03/24) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
None.	

Current Appropriations Clause in Bill

The bill includes an appropriation clause that appropriates \$747,639 cash funds from the Clean Water Cash Fund to the Department of Public Health and Environment for FY 2024-25, and includes a provision making any unspent appropriation available through FY 2025-26. Of this amount, \$20,739 is further appropriated to the Department of Law for FY 2024-25. The provision also states that the appropriation is based on the assumption that the Department of Public Health and

Environment will require an additional 8.7 FTE and the Department of Law will require an additional 0.1 FTE.

Points to Consider*TABOR/ Excess State Revenues Impact*

The March 2024 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$1.3 billion for FY 2024-25 and \$1.8 billion for FY 2025-26 to be refunded to taxpayers out of the General Fund. Legislation that increases non-exempt revenue (such as cash funds) will increase the TABOR refund from the General Fund. The budget package includes a set aside of \$63.1 million General Fund for appropriations in FY 2024-25.

There is no TABOR impact for FY 2024-25, however, the bill is estimated to increase cash fund revenues by \$190,202 in FY 2025-26, which will reduce the available General Fund in FY 2025-26 by an equal amount.