

**JBC Staff Fiscal Analysis**  
**House Appropriations Committee**

Concerning the creation of a program for the end-of-life management of pesticide products, and, in connection therewith, creating the pesticide product disposal and container recycling enterprise to develop and administer the program.

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**Prime Sponsors:**

Representatives Mauro; McCormick  
Senators Kipp; Roberts

**Date Prepared:**

April 28, 2026

**JBC Analyst:**

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303-866-2981

**Fiscal Impacts**

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Appropriation Required, Amendment in Packet  
TABOR Impact  
New Cash Fund (with Continuous Appropriation)

**Fiscal Note Status**

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The most recent Legislative Council Staff Second Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 3/30/2026.

**Update:** Fiscal impact has changed due to new information.

Since the publication of the second revised fiscal note, Legislative Council Staff received clarification that when an enterprise spends revenue on certain state-provided services, those expenditures are treated as state revenue and are therefore subject to the TABOR revenue limit. This includes expenditures for legal services provided by the Department of Law, and for motor fleet vehicle costs paid for by the Department of Personnel.

Legislative Council Staff and Joint Budget Committee Staff agree that the bill would increase state revenue subject to TABOR by \$35,457.

**Amendments in This Packet**

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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 amendment **J.001** (attached) appropriates a total of \$20,771 from reappropriated funds to the Department of Law for FY 2026-27. The appropriation reflects 0.1 FTE.

## Points to Consider

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The Joint Budget Committee (JBC) has proposed a budget package for FY 2026-27 based on the March 2026 Office of State Planning and Budgeting (OSPB) revenue forecast. The forecast does not anticipate a TABOR surplus liability for FY 2025-26, but does anticipate a surplus liability of \$711.1 million for FY 2026-27 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 \$57.3 million in set-asides for legislation outside of the package (see table below). The budget package accounts for the 13.0 percent reserve associated with the placeholders.

### General Fund Appropriation Placeholders for Other 2026 Legislation

Item	FY 2026-27
SB 26-149 (Pathways for Individuals with Mental Health Disorders)	\$23,222,868
Competency services	20,000,000
Potential prison capacity supplemental	5,900,000
Applied Behavioral Analysis Licensing	5,000,000
County Administration shared services	3,100,000
Medicaid Working Group	500,000
HB 26-1331 (Modify 2026 Interim Committees)	-396,469
<b>Total - Placeholders for other legislation</b>	<b>\$57,326,399</b>

## TABOR/ Excess State Revenues Impact

This bill is estimated to increase cash fund revenues by \$35,457 in FY 2026-27 and by \$13,847 in FY 2027-28, which will reduce the available General Fund in each fiscal year by equal amounts. This bill increases the TABOR refund paid from the General Fund by \$35,457 for FY 2026-27, reducing the \$57.3 million General Fund set aside for FY 2026-27 by the same amount.

## Legislative Appropriation Authority

Continuous spending authority, also known as **continuous appropriation**, allows state agencies to spend money for statutorily specified purposes up to the total amount available in a specified fund source without seeking further legislative approval through the budget process.

The term appropriation is broadly understood as expressing or conveying legal spending authority. However, the term appropriation also inherently expresses fundamental legislative fiscal authority by communicating a limit on or maximum amount of spending from a specified fund source for a defined period such as a fiscal year. While continuous spending authority also expresses or conveys legal spending authority it does so by eliminating legislative fiscal authority and oversight.

An annual appropriation provides a limit on spending authority, while a continuous appropriation provides unlimited spending authority. This method of funding moves these expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.

Is it necessary for the Department of Agriculture to **not** seek annual authority from the General Assembly to spend money from the Pesticide Product Disposal and Container Recycling Enterprise Fund?