

JBC Staff Fiscal Analysis Senate 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 and making an appropriation.

Prime Sponsors:

Representatives Mauro; McCormick
Senators Kipp; Roberts

Date Prepared:

May 6, 2026

JBC Analyst:

Sam Rickman
303-866-2981

Fiscal Impacts

Appropriation Already Added to Bill, Amendment in Packet

TABOR Impact

New Cash Fund (with Continuous Appropriation)

Fiscal Note Status

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 5/5/26.

No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill.

Amendments in This Packet

J.004 Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill includes an appropriation clause that provides a total of \$20,771 from reappropriated funds to the Department of Law for FY 2026-27. The appropriation reflects 0.1 FTE.

Description of Amendments in This Packet

J.004

Staff amendment **J.004** (attached) strikes the current \$20,771 appropriation and replaces that amount with a total of \$19,875. This amendment reflects a technical change in the appropriation required, as reflected in the fiscal note.

Points to Consider

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/reduces non-exempt revenue (such as cash funds) will increase/reduce the TABOR refund from the General Fund.

The budget package includes \$42.3 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 (\$ in millions)

Item	FY 2026-27
SB 26-149 (Pathways for Individuals with Mental Health Disorders)	\$25.9
Potential prison capacity supplemental	5.9
Applied behavioral analysis licensing	5.0
County Administration shared services	3.1
SB 26-042 (Revenue Classification TABOR)	2.3
Medicaid working group	0.5
HB 26-1331 (Modify 2026 Interim Committees)	-0.4
Total - Placeholders for other legislation	\$42.3

TABOR/ Excess State Revenues Impact

This bill is estimated to increase cash fund revenues by \$19,875 in FY 2026-27 and by \$13,2507 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 \$19,875 for FY 2026-27, reducing the \$42.3 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?