JBC STAFF FISCAL ANALYSIS HOUSE APPROPRIATIONS COMMITTEE

CONCERNING ADDITIONAL PUBLIC HEALTH PROTECTIONS REGARDING ALLEGED ENVIRONMENTAL VIOLATIONS, AND, IN CONNECTION THEREWITH, RAISING THE MAXIMUM FINES FOR AIR QUALITY AND WATER QUALITY VIOLATIONS AND ALLOCATING THE FINES TO ENVIRONMENTAL MITIGATION PROJECTS.

Prime Sponsors: Reps. Jackson and Gonzales-Gutierrez JBC Analyst: Tom Dermody

> Senator Winter 303-866-4963 Phone:

Date Prepared: June 2, 2020

Appropriation Items of Note

Appropriation Required/Amendment in Packet

General Fund/TABOR Impact

New Cash Fund

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 03/25/20.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to new information or technical issues
	Update: Fiscal impact has changed due to amendment adopted 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
L.008	Bill Sponsor 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 appropriating a total of \$1,902,298 cash funds from the Community Impact Cash Fund to the Department of Public Health and Environment for FY 2020-21. This provision also states that the appropriation is based on the assumption that the Department will require an additional 3.6 FTE.

L.008 Bill Sponsor amendment **L.008** (attached) strikes everything below the enacting clause of the introduced bill. The amendment:

- increases the maximum per day civil penalty for air and water quality violations in Colorado;
- increases penalties for criminal pollution of state waters;
- increases penalites for false representation in a required record or tampering with water quality monitoring devices; and
- eliminates the expenditure impact of the bill in FY 2020-21, FY 2021-22, and FY 2022-23 and the General Fund diversion.

If **L.008** is adopted, **J.001** should **not** be adopted.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2020-21 based on the following:

- the May 12, 2020, Office of State Planning and Budgeting revenue forecast;
- a school finance bill placeholder for a reduction of \$723.8 million General Fund;
- a placeholder for the reduction of \$202.0 million General Fund through one or more non-JBC package bills; and
- an adjusted statutory General Fund reserve percentage of 3.84 percent equal to \$402.0 million.

As introduced, this bill is anticipated to reduce General Fund revenues by \$1,556,700, reducing the excess General Fund reserve or increasing the proposed placeholder reductions by the same amount.