

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE PROVISION OF ADDITIONAL RESOURCES TO PROTECT AIR QUALITY, AND, IN CONNECTION THEREWITH, INCREASING FEES AND CREATING THE AIR QUALITY ENTERPRISE.

Prime Sponsors: Senator Fenberg  
Reps. Jackson and Caraveo

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**Appropriation Items of Note**

**Appropriation Required, Amendment in Packet**

**General Fund/TABOR Impact**

**New Cash Fund (with Continuous Appropriation)**

**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/02/20.

	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
<b>XXX</b>	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The Finance Committee Report (05/27/20) amends the bill to:

- further specify the responsibilities of the Air Quality Enterprise;
- further specify the make up of the Enterprise's Board of Directors;
- eliminate the General Fund loan to the Enterprise; and
- delay the implementation of fee collection by the Enterprise until July 1, 2021.

Legislative Council Staff and JBC Staff agree these changes reduce the fiscal impact of the bill in FY 2020-21 by reducing the required hours of legal services to 100, thereby reducing the required appropriation for those hours.

**Amendments in This Packet for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
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 has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$10,660 General Fund to the Department of Public Health and Environment for FY 2020-21 for the purchase of legal services.

**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.

This bill requires a General Fund appropriation of \$10,660 for FY 2020-21, thereby decreasing the proposed fiscal year-end General Fund reserve or increasing the proposed placeholder reductions by the same amount.

*Legislative Authority*

Is it necessary to "continuously appropriate" money in the Air Quality Enterprise Cash Fund? This method of funding essentially moves related expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.