

JBC Staff Fiscal Analysis
Senate Appropriations Committee

Concerning updating the fee schedule for the fees paid by retail food establishments.

Prime Sponsors:

Senator Roberts

Representative Lukens

Date Prepared:

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Fiscal Impacts

Appropriation Not Required, Amendments in Packet

TABOR Impact

Fiscal Note Status

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/11/25.

No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill. The “State Appropriations” section of the Fiscal Note states that the bill does not create additional expenditures for the department. JBC staff agrees; therefore, an appropriation amendment is neither necessary nor included in this packet.

Amendments in This Packet

L.004 Bill Sponsor amendment - changes fiscal impact.

L.005 Bill Sponsor amendment - changes fiscal impact.

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause.

Description of Amendments in This Packet

L.004

Bill Sponsor amendment **L.004** (attached) reduces the proposed increases on various fees in the bill by \$11 in both FY 2026-27 and FY 2027-28. This will reduce cash fund revenues by \$33,833 in FY 2026-27 and \$73,090 in FY 2027-28.

L.005

Bill Sponsor amendment **L.005** (attached) eliminates the phased increases of fee revenue transmitted to the Food Protection Cash Fund collected by the Department or local authorities, maintaining this amount at \$45 per fee for calendar year 2026 and ongoing. This will reduce cash fund revenues by \$118,800 in FY 2026-27 and \$237,600 in FY 2027-28.

The committee may adopt either or both L.004 and L.005.

Points to Consider

TABOR/ Excess State Revenues Impact

The March 2025 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$642.7 million for FY 2025-26 and \$775.8 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 Joint Budget Committee has proposed a budget package for FY 2025-26 based on the March 2025 OSPB revenue forecast. The budget package includes \$18.2 million General Fund set aside for other legislation outside of the JBC budget package. This may be used for appropriations, transfers, or increases in TABOR refunds for FY 2025-26.

This bill is estimated to increase cash fund revenues by \$159,928 in FY 2025-26 and by \$499,310 in FY 2026-27, and by \$690,896 in years thereafter, which will reduce the available General Fund in each fiscal year by equal amounts. This bill increases the TABOR refund made out of the General Fund by \$159,928 for FY 2025-26, reducing the \$18.2 million General Fund set aside for FY 2025-26 by the same amount.

If adopted, amendment **L.004** will reduce anticipated cash fund revenues in the bill by \$33,833 in FY 2026-27 and \$73,090 in FY 2027-28. Similarly, adoption of amendment **L.005** will reduce anticipated cash fund revenues in the bill by \$118,800 in FY 2026-27 and \$237,600 in FY 2027-28. Adoption of either amendment will reduce the TABOR refund made out of General Fund by the same amount.