JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE

CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION TO ADMINISTER A FEE-BASED WASTE DIVERSION GRANT PROGRAM.

Prime Sponsors: Sens. Winter and Priola
Representative Jackson

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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 03/19/19.

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

The Local Government Committee Report (03/21/19) and Finance Committee Report (04/02/19) include amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
None.	

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause for FY 2019-20.

Points to Consider

TABOR/ Excess State Revenues Impact
This bill creates the Front Range Waste Diversion Enterprise in the Department of Public Health and Environment as a Type 1 transfer. The Enterprise constitutes an enterprise for purposes of Section 20 of Article X of the State Constitution and its revenue will be exempt from TABOR.

Legislative Authority
Is it necesseary to "continuously appropriate" money in the Front Range Waste Diversion Cash Fund? This method of funding the activities of the Enterprise essentially moves related expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.