

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING RESOURCES FOR FIRE INVESTIGATIONS TO ENHANCE PUBLIC SAFETY, AND, IN CONNECTION THEREWITH, PRIORITIZING FUNDING FOR WILDLAND FIRE INVESTIGATIONS AND MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Ginal and Cutter
Representative Story

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Appropriation Items of Note

Appropriation Already Added to Bill, No Amendment in Packet

General Fund 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 01/10/23.

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

The reengrossed bill includes committee amendments to the bill adopted on second reading in the Senate (04/13/23), 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 includes an appropriations clause that appropriates a total of \$2,764,021 General Fund to the Fire Investigation Fund for FY 2023-24. The Fire Investigation Fund is created in the bill and

is continuously appropriated to the Department of Public Safety.

Points to Consider

General Fund Impact

The Joint Budget Committee (JBC) has proposed a budget package for FY 2023-24 based on the March 2023 Office of State Planning and Budgeting revenue forecast. The JBC has included as part of its FY 2023-24 budget package \$3,243,155 General Fund to be appropriated for implementation of this bill, which is \$479,134 higher than the General Fund appropriation included in the bill.

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 Public Safety to **not** seek annual authority from the General Assembly to spend money from the Fire Investigation Fund?