

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE INCREASE OF AVAILABLE FUNDS FOR LAW ENFORCEMENT AGENCY PEACE OFFICER SERVICES.

Prime Sponsors: Sens. Bridges and Cooke  
Representative Roberts

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**Appropriation Items of Note**

**Appropriation Required, Amendment in Packet**

**General Fund Impact**

**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 04/11/22.

|            |                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------|
|            | <b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill                 |
| <b>XXX</b> | <b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>                   |
|            | <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 Legislative Council Staff Revised Fiscal Note (04/11/22) states that no appropriation is required and that the bill appropriates \$5.0 million to the continuously appropriated Peace Officers Behavioral Health Support and Community Partnership Fund. Although the bill compels the General Assembly to appropriate \$5.0 million in FY 2022-23, it does not currently include a transfer or an appropriation. Therefore, an appropriation to the Peace Officers Behavioral Health Support and Community Partnership Fund is required. LCS Staff agrees with this update.

**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 \$5,000,000 to the Peace Officers Behavioral Health Support and Community Partnership Fund in the Department of Local Affairs for FY 2022-23.

**Points to Consider***General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2022-23 based on the March 2022 Legislative Council Staff revenue forecast. The budget package includes two set-asides:

- \$40.0 million General Fund for bills that create ongoing obligations; and
- \$900.0 million General Fund for bills that create one-time obligations in FY 2022-23.

The \$40.0 million *appropriations* set-aside includes an additional \$6.0 million General Fund to provide a 15.0 percent General Fund reserve for those appropriations. The \$900.0 million *obligations* set-aside does not include an additional amount for a General Fund reserve and, assumes, but does not require, that obligations be addressed through statutory transfers rather than appropriations. Therefore *appropriations* from the \$900.0 million set-aside require an additional 15.0 percent to maintain the statutory General Fund reserve.

This bill creates a one-time obligation and requires a General Fund appropriation of \$5.0 million for FY 2022-23, reducing the \$900.0 million set aside by \$5.75 million in order to maintain a 15.0 percent statutory General Fund reserve.

*Legislative Appropriation Authority*

Continuous spending authority, also known as **continuous appropriations**, allows departments to spend money for statutorily specified purposes up to the amount of money in the fund without seeking annual legislative approval. 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. This bill changes an existing cash fund from annual appropriation to continuous appropriation. Is it necessary for the Department of Local Affairs to **not** seek annual authority from the General Assembly to spend money from Peace Officers Behavioral Health Support and Community Partnership Fund?