

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

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

Prime Sponsors: Senator Ginal

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**Appropriation Items of Note**

**Appropriation Required, 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.

<b>XXX</b>	<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>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 Senate Agriculture & Natrual Resources Committee Report (03/01/23) includes 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**

<b>Amendment</b>	<b>Description</b>
J.001	Staff-prepared appropriation amendment
L.004	Bill Sponsor amendment - does not change fiscal impact

**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 \$2,764,021 General Fund to the Fire Investigation Fund for FY 2023-24. The fund is created in the bill and is continuously appropriated to the Department of Public Safety.

**L.004** Bill Sponsor amendment **L.004** (attached) makes a technical change to the bill to require an annual General Fund appropriation to the cash fund rather than a transfer.

The introduced bill requires an annual General Fund transfer to the cash fund in an amount determined through the Long Bill. A "transfer" is technically made through a statutory direction and not through an appropriation. OLLS Staff and JBC Staff therefore agree that it is more technically correct to require an annual appropriation rather than a transfer if the intention is to provide funding for this purpose annually through the Long Bill.

The Committee **should adopt J.001 regardless of** whether **L.004** is adopted.

### 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 the implementation of this 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 Investigations Fund?