

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE PROVISION OF COMPENSATION TO PEOPLE WHO SUFFER DAMAGES BECAUSE OF GRAY WOLF DEPREDATION, AND, IN CONNECTIONS THEREWITH, REDUCING AN APPROPRIATION.

Prime Sponsors: Sens. Roberts and Will  
Reps. McCluskie and Catlin

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Date Prepared: April 10, 2023

**Appropriation Items of Note**

**Appropriation Already Added to Bill, Amendments 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 Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/06/23.

<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

**Amendments in This Packet for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
L.004/J.001	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that reduces the FY 2023-24 Long Bill appropriation for Wildlife Operations in the Division of Parks and Wildlife in the Department of Natural Resources by \$175,000 General Fund.

**Description of Amendments in This Packet**

**L.004 and J.001**

Bill Sponsor amendment **L.004** (attached) changes the Wolf Depredation Compensation

**SB23-255**

**JBC Staff Analysis**

Fund from continuously appropriated to annually appropriated by the General Assembly (see page 3 for an explanation of the difference between continuous and annual appropriations). Amendment **J.001** provides an appropriation of \$175,000 cash funds from the Wolf Depredation Compensation Fund to the Department of Natural Resources for FY 2023-24.

**If the Committee adopts L.004, it should also adopt J.001.**

**Points to Consider**

*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2023-24 based on the March 2023 Office of State Planning and Budgeting (OSPB) revenue forecast. The budget package includes two set-asides for legislation outside of the package: (1) \$30.0 million General Fund for bills that create ongoing obligations; and (2) \$469.0 million for bills that create one-time obligations for FY 2023-24 (see table below).

General Fund Appropriation Placeholders for Other 2023 Legislation	
Description	FY 2023-24
Legislation with Ongoing Fiscal Impacts	\$30,000,000
Legislation with One-time Fiscal Impacts	
Workforce-related legislation, including free credentials, math scholarships, adult education, and concurrent enrollment	103,000,000
Housing-related legislation, including property tax relief, land use, and public-private partnerships	221,000,000
Legislation related to topics other than workforce and housing, including rural opportunity, line of duty loss, and Proposition 122 implementation	145,000,000
Subtotal	\$469,000,000
<b>TOTAL Placeholders for Other 2023 Legislation</b>	<b>\$499,000,000</b>

The budget package accounts for the 15.0 percent reserve associated with the above placeholders (a total of \$74.9 million).

This bill creates an ongoing obligation and requires a General Fund transfer of \$175,000 to the new, continuously appropriated Wolf Depredation Compensation Fund for FY 2023-24, reducing the \$30.0 million set aside by the same amount. In FY 2024-25 and future years, the bill requires a General Fund transfer \$350,000 to the Wolf Depredation Compensation Fund.

*Legislative Appropriation Authority*

If the Appropriations Committee does not adopt sponsor amendment **L.004**, the Wolf Depredation Compensation Fund will remain continuously appropriated to the Department of Natural Resources. Is it necessary for the Department to **not** seek annual authority from the General Assembly to spend money from Wolf Depredation Compensation Fund?

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. Continuous appropriations moves expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.