

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING A WATER QUALITY FEE TO BE PAID FOR ADMISSION TO CHATFIELD STATE PARK, AND, IN CONNECTION THEREWITH, REQUIRING THE DIVISION OF PARKS AND WILDLIFE TO COLLECT THE FEE AND TRANSFER THE AMOUNT OF THE FEE TO THE CHATFIELD WATERSHED AUTHORITY AND MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Van Winkle and Cutter
Reps. Titone and Bradley

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Appropriation Items of Note

Appropriation Already Added to Bill, Amendment in Packet

New 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 05/03/23.

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

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.002	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill includes an appropriation clause that provides \$250,000 cash funds from the Parks and Outdoor Recreation Cash Fund to the Department of Natural Resources for FY 2023-24. As shown in the Revised Fiscal Note (05/03/23), the bill as amended by the House Finance Committee no longer requires an appropriation.

Description of Amendments in This Packet

J.002 Staff has prepared amendment **J.002** (attached) to remove the existing appropriations clause.

Points to Consider*Legislative Appropriation Authority*

The House Finance Committee Report (05/03/23) includes language that continuously appropriates water quality fee revenue to the Department of Natural Resources. Is it necessary for the Department of Natural Resources to **not** seek annual authority from the General Assembly to spend fee revenue that is collected as a result of this bill?

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.