

SECOND REGULAR SESSION

SENATE BILL NO. 644

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Pre-filed December 20, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

5001S.011

AN ACT

To repeal section 23.140, RSMo, and to enact in lieu thereof one new section relating to the preparation of fiscal notes by the oversight division of the committee on legislative research.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 23.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 23.140, to read as follows:

23.140. 1. Legislation, with the exception of appropriation bills, introduced into either house of the general assembly shall, before being acted upon, be submitted to the oversight division of the committee on legislative research for the preparation of a fiscal note. The staff of the oversight division shall prepare a fiscal note, examining the items contained in subsection 2 of this section and such additional items as may be provided either by joint rule of the house and senate or by resolution adopted by the committee or the oversight subcommittee.

2. The fiscal note shall state:

(1) The cost of the proposed legislation to the state for the next [two] **four** fiscal years. **If the proposed legislation provides that the cost to the state shall not begin until after the next two fiscal years, the fiscal note shall examine the cost to the state for the next four fiscal years after such costs commence;**

(2) Whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency;

(3) Whether or not there is a federal mandate for the program or agency;

(4) Whether or not the proposed program or agency will have significant

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 direct fiscal impact upon any political subdivision of the state;

20 (5) Whether or not any new physical facilities will be required; and

21 (6) Whether or not the proposed legislation will have an economic impact
22 on small businesses. For the purpose of this subdivision "small business" means
23 a corporation, partnership, sole proprietorship or other business entity, including
24 its affiliates, that:

25 (a) Is independently owned and operated; and

26 (b) Employs fifty or fewer full-time employees.

27 3. The fiscal note for a bill shall accompany the bill throughout its course
28 of passage. No member of the general assembly, lobbyist or persons other than
29 oversight division staff members shall participate in the preparation of any fiscal
30 note unless the communication is in writing, with a duplicate to be filed with the
31 fiscal note or unless requested for information by the fiscal analyst preparing the
32 note. Violations of this provision shall be reported to the chairman of the
33 legislative research committee and subject the fiscal note and proposed bill to
34 subcommittee review. Once a fiscal note has been signed and approved by the
35 director of the oversight division, the note shall not be changed or revised without
36 prior approval of the chairman of the legislative research committee, except to
37 reflect changes made in the bill it accompanies, or to correct patent typographical,
38 clerical or drafting errors that do not involve changes of substance, nor shall
39 substitution be made therefor. Appeals to revise, change or to substitute a fiscal
40 note shall be made in writing by a member of the general assembly to the
41 chairman of the legislative research committee and a hearing before the
42 committee or subcommittee shall be granted as soon as possible. Any member of
43 the general assembly, upon presentation of new or additional material, may,
44 within three legislative days after the hearing on the request to revise, change
45 or substitute a fiscal note, request one rehearing before the full committee to
46 further consider the requested change. The subcommittee, if satisfied that new
47 or additional material has been presented, may recommend such rehearing to the
48 full committee, and the rehearing shall be held as soon as possible thereafter.

49 4. The director of the division, hereinafter provided for, or the director's
50 designees, shall seek information and advice from the affected department,
51 division or agency of state government and shall call upon the research staffs of
52 the house of representatives and of the senate, and upon the staffs of the house
53 and senate appropriations committees for assistance in carrying out fiscal notes
54 and evaluations of programs selected by the committee, during the interim, and

55 each staff shall supply such information or advice as it deems appropriate in
56 response to the inquiry. The state auditor shall, upon request, cooperate and
57 provide assistance in the conduct of audits and the preparation of reports made
58 in connection therewith.

✓

Unofficial

Bill

Copy