

SECOND REGULAR SESSION

HOUSE BILL NO. 1973

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor) AND ALLEN (Co-sponsor).

5743H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 23.020, 23.040, 23.080, 23.140, and 23.150, RSMo, and to enact in lieu thereof four new sections relating to the joint committee on legislative research.

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

Section A. Sections 23.020, 23.040, 23.080, 23.140, and 23.150, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 23.020, 23.040, 23.080, and
3 23.140, to read as follows:

23.020. The committee shall perform the following services for the members of the
2 general assembly:

3 (1) Provide a research and reference service on legislative problems;

4 (2) Upon written request, make investigation into legislative and governmental
5 institutions of this state or other states to aid the general assembly;

6 (3) Upon written request, assist and cooperate with any interim legislative committee or
7 commission created by the general assembly;

8 (4) Upon written request, draft or aid in drafting [bills,] **courtesy** resolutions[,] **and**
9 memorials [and amendments] and render any other service in connection therewith for any
10 member of the general assembly.

23.040. [From the time the general assembly of the state convenes until it is adjourned
2 finally, the committee on legislative research, through its representatives,] **1. The committee**
3 **on legislative research shall organize a revision division, an oversight division, and a policy**
4 **impact division to carry out the responsibilities and duties of the committee required by**
5 **law.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 **2. (a) The revision division shall be organized to perform all duties required by the**
7 **committee in connection with its duties under chapter 3 and shall draft or aid in drafting**
8 **courtesy resolutions and memorials for members of the senate and the house of**
9 **representatives.**

10 **(b) Within the limits of the appropriations made for this division, the revision**
11 **division shall be comprised of the revisor of statutes and other personnel as the committee**
12 **deems necessary. The revisor of statutes is subject to the qualifications prescribed under**
13 **section 3.070. Persons employed to work in the revision division shall be under the**
14 **supervision of the revisor of statutes and he or she shall, as directed by the committee,**
15 **assign and supervise all work projects of those employees and keep all necessary personnel**
16 **records for those employees and others of the committee if so directed.**

17 **3. (a) The oversight division shall be organized to prepare fiscal notes and to**
18 **conduct program evaluations of state agencies, including program evaluations involving**
19 **budget transparency and accountability.**

20 **(b) Within the limits of the appropriations made for this division, the committee**
21 **shall employ a director of the oversight division and other personnel as it deems necessary.**
22 **The director shall be qualified by training and experience to conduct such evaluations, and**
23 **he or she shall be directly responsible for those activities. The director of the oversight**
24 **division, with the consent of the joint committee, may employ personnel necessary to carry**
25 **out the duties prescribed in this chapter. Persons employed to work in the oversight**
26 **division shall be professional persons possessing a wide knowledge and demonstrated**
27 **expertise in governmental programming and financial planning, in conducting program**
28 **review evaluations and analytic studies, and of federal, state, and local government**
29 **budgetary processes, laws, and regulations of the state of Missouri. All employees of the**
30 **oversight division shall be under the supervision of the director of the oversight division,**
31 **and he or she shall, as directed by the subcommittee, assign and supervise all work projects**
32 **of the employees of that division.**

33 **4. (a) The policy impact division shall be organized to provide a detailed and**
34 **systematic analysis of the potential impacts of proposed or new legislation and shall give**
35 **consideration to and service concerning any bill before the general assembly requested by any**
36 **member of the senate or the house of representatives or any committee of the general assembly**
37 **having the bills before it for consideration. This service shall continue after adjournment and**
38 **during any recess or vacation. Employees of the committee shall not oppose or urge legislation**
39 **but, upon request, shall assist members of the general assembly as to bills, resolutions and**
40 **measures, [draft them in proper form] and furnish to members any available information upon**
41 **matters which fall within the scope of the duties of the committee.**

42 (b) Within the limits of the appropriations made for this division, the committee
43 shall employ a director of the oversight division and other personnel as it deems necessary.
44 All employees of the policy impact division shall be under the supervision of the director
45 of the policy impact division and he or she shall, as directed by the subcommittee, assign
46 and supervise all work projects of the employees of that division.

47 5. The committee may form a subcommittee of not less than six members to provide
48 direct supervision of the personnel and practices of any division. The subcommittee shall
49 consist of one-half of the members appointed by the chair from the house which he or she
50 represents and one-half of the members appointed by the vice chair from the house which
51 he or she represents.

23.080. [1. The committee may regularly employ and fix the compensation of a director
2 of research who is competent to assume administration of the necessary activities of the
3 committee under the direction of the committee. The committee may also employ other
4 attorneys, research assistants, clerks and other persons as it deems necessary within the limits of
5 the appropriation made therefor to carry out the provisions of this chapter or to provide
6 assistance for the members and committees of the general assembly. Except for those employees
7 assigned to the oversight division, all employees of the committee shall be under the supervision
8 of the director of research, and he shall, as directed by the committee, assign and supervise all
9 work projects of those employees and keep all necessary personnel records for those employees
10 and others of the committee if so directed. All employees of the oversight division shall be
11 under the supervision of the director of the oversight division, and he shall, as directed by the
12 subcommittee, assign and supervise all work projects of the employees of that division.

13 2.] The committee may provide necessary legal reports and other publications to be kept
14 in the library of the committee and pay for same out of any appropriations made to the
15 committee. The secretary of state and the revisor of statutes shall furnish the librarian, without
16 charge, the number of Missouri statutes and session laws as is desired by the committee to enable
17 it to exchange the statutes and session laws for those of other states.

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

8 2. The fiscal note shall state:

9 (1) The cost of the proposed legislation to the state for the next [two] **five** fiscal years;

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

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

13 (4) Whether or not the proposed program or agency will have significant direct fiscal
14 impact upon any political subdivision of the state;

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

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

19 (a) Is independently owned and operated; and

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

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

40 4. The director of the division, hereinafter provided for, or the director's designees, shall
41 seek information and advice from the affected department, division or agency of state
42 government and shall call upon the research staffs of the house of representatives and of the
43 senate, and upon the staffs of the house and senate appropriations committees for assistance in
44 carrying out fiscal notes and evaluations of programs selected by the committee, during the
45 interim, and each staff shall supply such information or advice as it deems appropriate in

46 response to the inquiry. The state auditor shall, upon request, cooperate and provide assistance
47 in the conduct of audits and the preparation of reports made in connection therewith.

2 [23.150. 1. The committee on legislative research shall organize an
3 oversight division to prepare fiscal notes and to conduct program evaluations of
4 state agencies, including program evaluations involving budget transparency and
5 accountability. The committee may form a subcommittee of not less than six
6 members to provide direct supervision of the personnel and practices of the
7 division. The subcommittee shall consist of one-half of the members appointed
8 by the chair from the house which he or she represents and one-half of the
9 members appointed by the vice chair from the house which he or she represents.
10 2. Within the limits of the appropriations made for this division, the
11 committee shall employ a director of the oversight division and other personnel
12 as it deems necessary. The director shall be qualified by training and experience
13 to conduct such evaluations, and he or she shall be directly responsible for those
14 activities. The director of the oversight division, with the consent of the joint
15 committee, may employ personnel necessary to carry out the duties prescribed in
16 this chapter. Persons employed to work in the oversight division shall be
17 professional persons possessing a wide knowledge and demonstrated expertise
18 in governmental programming and financial planning, in conducting program
19 review evaluations and analytic studies, and of federal, state, and local
government budgetary processes, laws and regulations of the state of Missouri.]

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