

SECOND REGULAR SESSION

SENATE BILL NO. 1221

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS STOLL AND ROHRBACH.

Read 1st time February 26, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4904S.011

AN ACT

To amend chapter 23, RSMo, by adding thereto one new section relating to the Missouri sunset act.

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

Section A. Chapter 23, RSMo, is amended by adding thereto one new section, to be known as section 23.250, to read as follows:

23.250. 1. This section shall be known and may be cited as the "Missouri Sunset Act".

2. As used in this section, the following terms mean:

(1) "Committee", the committee on legislative research established in section 23.010;

(2) "Program", a distinct, coherent set of activities authorized by the general assembly through the legislative process intended to affect a clearly definable target group, problem, or issue. Programs can either be appropriated through the budget process or, as is the case with tax credits, be nonappropriated;

(3) "Sunset", the termination of legislative authorization of a program.

3. After August 28, 2002, all new programs authorized by the general assembly will sunset six years after their effective dates unless reauthorized by an act of the general assembly. No funds may be expended on a program after its authorization has terminated. Legislation passed after August 28, 2002, shall indicate whether it contains a program subject to the Missouri sunset act. Any such program shall have a sunset clause clearly indicating the date it will sunset without reauthorization.

4. Any program reauthorized by the general assembly pursuant to this section

shall include a provision specifying that the program will sunset at a date not more than twelve years from the effective date of the program's reauthorization.

5. Prior to the year in which a program is scheduled to sunset pursuant to this section, the committee shall direct its staff to evaluate the continued need for the program based on the criteria provided in subsection 6 of this section. Other staff of the general assembly, including house and senate appropriations staff, may be called on to assist with this effort. The committee shall hold a public hearing on each program being reviewed pursuant to the provisions of this section.

6. The committee and its staff shall consider the following criteria in determining whether a public need exists for the continuation or modification of the program under consideration:

(1) Whether the problem or need for the program was intended to address still exists;

(2) The current overall fiscal outlook for the state;

(3) An identification of the purpose of the program and the extent to which program objectives have been achieved;

(4) An assessment of measures of effectiveness and efficiency for the program;

(5) The extent to which the program overlaps with or duplicates that of another state program and the extent to which the program could be consolidated with another state program or programs;

(6) Whether there is a more effective or appropriate way to deliver the service or meet the need the program is designed to address;

(7) Whether the administering agency has recommended modifications to the program;

(8) The effect of federal intervention or loss of federal funds if the program is abolished; and

(9) Any additional criteria set forth in law or otherwise appropriate for the specific program under review.

7. The committee shall consider the program evaluation required by this section and develop a recommendation for whether the program should be reauthorized with no changes, modified, or allowed to sunset. Recommended modifications may include changes to the structure or scope of the program or other changes to the program's authorization.

8. The committee may also examine programs that were enacted prior to the Missouri sunset act or programs enacted after the passage of the act but not yet scheduled to sunset and make recommendations for those programs to be reauthorized, eliminated, or modified.

9. By December first of each year, the committee shall present to the president pro tem of the senate, speaker of the house of representatives, the chair of the senate appropriations committee, the chair of the house budget committee and the governor a report on the programs scheduled to sunset the following year and recommendations for reauthorization, elimination, or modification of programs subject to the review process set forth in this section.

10. Each state department, at least biennially, shall present information to the committee on its strategic planning and other performance improvement efforts.

11. If any provision of this section is held invalid or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this and the provisions of this measure are declared severable.

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Bill

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