

FIRST REGULAR SESSION

SENATE BILL NO. 349

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS GOODMAN AND McKENNA.

Read 1st time February 10, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1370S.021

AN ACT

To repeal section 23.140, RSMo, and to enact in lieu thereof one new section relating to the preparation of fiscal notes for bills that affect the tourism industry of this state.

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Section A. Section 23.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 23.140, to read as follows: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

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

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

(6) Whether or not the proposed legislation will have an economic impact

18 on small businesses. For the purpose of this subdivision "small business" means
19 a corporation, partnership, sole proprietorship or other business entity, including
20 its affiliates, that:

21 (a) Is independently owned and operated; and

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

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

45 4. The director of the division, hereinafter provided for, or the director's
46 designees, shall seek information and advice from the affected department,
47 division or agency of state government and shall call upon the research staffs of
48 the house of representatives and of the senate, and upon the staffs of the house
49 and senate appropriations committees for assistance in carrying out fiscal notes
50 and auditing functions and duties, during the interim, and each staff shall supply
51 such information or advice as it may possess in response to the inquiry. **In**
52 **preparing any fiscal note for a bill that modifies state sales tax rates or**
53 **affects the tourism industry of this state, the director shall seek**

54 **information and advice directly from the division of tourism.** The state
55 auditor shall, upon request, cooperate and provide assistance in the conduct of
56 audits and the preparation of reports made in connection therewith.

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Unofficial

Bill

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