

SECOND REGULAR SESSION

# SENATE BILL NO. 533

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WIGGINS.

Pre-filed December 1, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

L2115.011

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## AN ACT

To repeal sections 23.150, 23.160, 23.170 and 23.190, RSMo 1994, relating to the oversight division of the joint committee on legislative research, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

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

Section A. Sections 23.150, 23.160, 23.170 and 23.190, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 23.150, 23.160, 23.170 and 23.190, to read as follows:

23.150. 1. The committee on legislative research shall organize an oversight division to prepare fiscal notes and to conduct [management audits and program audits] **legislative informational reviews** of state agencies. The committee may form a subcommittee of not less than six members to provide direct supervision of the personnel and practices of the division. The subcommittee shall consist of one-half of the members appointed by the chairman from the house which he represents and one-half of the members appointed by the vice chairman from the house which he represents.

2. Within the limits of the appropriations made for this division, the committee shall employ a director of the oversight division and other personnel as it deems necessary. The director shall be qualified by training and experience to conduct such [audits] **legislative informational reviews**, and [he] shall be directly responsible for those activities. The director of the oversight division, with the consent of the joint committee, may employ personnel necessary to carry out the duties prescribed in this chapter. Persons employed to work in the oversight division shall be professional persons possessing a wide knowledge and demonstrated expertise in governmental

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

programming and financial planning, in conducting program review evaluations and analytic studies, and of federal, state, and local government budgetary processes, laws and regulations of the state of Missouri. Office space, furniture and equipment formerly assigned to the committee on state fiscal affairs, and appropriations made therefor, shall be transferred to the committee on legislative research.

23.160. 1. As used in this chapter, the term ["management audit" means a postaudit] **"legislative informational review" means an examination of a state agency** which determines, with regard to the purpose, functions, and duties of [an audited] **the** agency:

(1) Whether the agency is managing and utilizing its resources in an economical and efficient manner; [and]

(2) Which identifies causes of inefficiencies or uneconomical practices including inadequacies in the use and management of information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, and purchasing policies[.

2. As used in this chapter, the term "program audit" means a postaudit]; **and**

**(3)** Which determines and evaluates program performance according to program objectives, responsibilities, and duties as set forth by statute or regulation[. Program audits], in accordance with generally accepted program evaluation standards, **and** shall determine:

[(1)] **(a)** Whether the program is being performed and administered as authorized or required by law, and whether this action conforms with statutory intent;

[(2)] **(b)** Whether the objectives and intended benefits are being achieved, and whether efficiently and effectively;

[(3)] **(c)** Benefits derived from any program in relation to the expenditures made therefor; and

[(4)] **(d)** Whether the program duplicates, overlaps, or conflicts with any other state program. [A program audit may include determinations within the scope of a management audit to the extent necessary or appropriate to the conduct of a particular program audit.]

[3.] **2.** As used in this chapter, the term "resources" includes appropriated funds, federal funds, grants, and personnel, and also includes equipment and space, whether assigned, owned or leased.

[4.] **3.** As used in this chapter, the term "agency" includes each department and office within the executive branch of government and each identifiable unit thereof, including institutions of higher learning, and each identifiable unit of the legislative and judicial branches of government.

23.170. 1. The oversight division of the committee on legislative research shall, pursuant to a duly adopted concurrent resolution of the general assembly, or pursuant to a resolution adopted by the committee on legislative research, conduct [management audits and program

audits] **legislative informational reviews** of agencies as directed by any such resolution.

2. The staff of any agency subject to a [management or program audit] **legislative informational review** shall fully cooperate with the staff of the oversight division and shall provide all necessary information and assistance for such [an audit] **legislative informational review**. All records of an agency, unless otherwise expressly declared by law to be confidential, may be inspected by the oversight division staff while conducting the audit, and the agency subject to the [audit] **legislative informational review** shall afford the oversight division staff with ample opportunity to observe agency operations.

3. All [audits] **legislative informational reviews** shall be completed within one year unless an extension is authorized by the committee, but progress reports shall be made to the committee at least monthly. The subcommittee supervising the oversight division shall meet monthly to review progress reports, hear requests for changes in fiscal notes, and provide supervision for the oversight division staff.

4. Any member of the general assembly and any committee of either house of the general assembly may submit requests for [audits] **legislative informational reviews** to the committee on legislative research, and any agency may request [an audit] **a legislative informational review** of its operations.

23.190. 1. In making [audits] **legislative informational reviews**, the division [shall] **may, upon the request of the agency**, make recommendations and suggestions, in writing, to the personnel of the agency being [audited] reviewed. Such personnel shall be given an opportunity to respond, in writing, to those recommendations and suggestions. Thereafter, as soon as practicable after completion of the [audit] **legislative informational review**, the committee shall issue a [public] report **to the president pro tem of the senate and the speaker of the house of representatives** of the [audit] **legislative informational review**. The report shall contain recommendations for changes in practices and policies as well as recommendations for changes in statutes and regulations, and shall contain the response of the agency involved. Each report shall be a public record and shall be signed by the committee chairman. Each report [shall] **may, upon the request of the agency**, be presented to the governor and the agency involved. Copies may be made available to members of the general assembly and to the general public. The committee may charge a fee to recover publication costs for copies made available to the general public.

2. One year after completion of each [audit] **legislative informational review**, the oversight division shall review the operations of the agency [audited] **reviewed** to determine whether or not there has been substantial compliance with the recommendations contained in the report, and if not, a further review shall be conducted at the end of another year. In each instance a further report shall be made and distributed in the same manner as an initial report is made and distributed.

Section B. Because immediate action is necessary to provide timely advice and information to the general assembly, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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Unofficial

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