FIRST DRAFT:
Prepared by the Legislative Council staff for the
Legislative Procedure and Arrangements Committee
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PROPOSED AMENDMENTS TO HOUSE AND SENATE RULES 329 AND JOINT RULES 501 AND 502

SECTION 1. AMENDMENT. Subsection 2 of House Rule 329 is amended as follows:

2. Every bill or resolution ~~to which is attached~~with a fiscal note stating ~~that~~ the measure has an effect of fifty thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the House thereon, unless otherwise ordered by a majority vote of the members present.

SECTION 2. AMENDMENT. Subsection 2 of Senate Rule 329 is amended as follows:

2. Every bill or resolution ~~to which is attached~~with a fiscal note stating ~~that~~ the measure has an effect of fifty thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.

SECTION 3. AMENDMENT. Joint Rule 501 is amended as follows:

501. Fiscal notes.

1. Except for a measure appropriating a specific dollar amount, every bill or resolution having an effect of five thousand dollars or more on the revenues, expenditures, or fiscal liability of the state must have a fiscal note ~~attached which describes~~describing that effect and ~~which is~~ prepared as provided in this rule.

2. a. The Legislative Council shall determine whether a fiscal note is required for any bill or resolution prepared by the Legislative Council staff. The chairman of the committee to which a bill or resolution is referred shall determine whether a fiscal note is required for a bill or resolution not prepared by the Legislative Council or not bearing a fiscal note.

   b. A bill or resolution to which an amendment having a fiscal effect of five thousand dollars or more has been approved must have a fiscal note ~~attached~~prepared upon request of the chairman of the committee considering the bill or resolution, or ~~by~~upon request of the majority of the members present of the house in which the bill is considered at the time of second reading.

c. The chairman of a committee may request the aid of the Legislative Council in making a determination as to whether a bill or resolution requires a fiscal note.

3. a. A fiscal note must be prepared by the state agency or department responsible for collecting or expending the revenues affected or whose appropriation is affected or jointly by affected departments or agencies, at the request of the Legislative Council.

b. A request for a fiscal note must be in the proper request form and addressed to the designated agency or department, and must be accompanied by a copy of the bill or resolution having the fiscal effect.

c. The Legislative Council shall prepare all necessary forms ~~for the implementation of~~to implement the fiscal note procedure.

d. Each agency or department to ~~whom~~which a request for a fiscal note is made shall state on a fiscal note form the fiscal impact of the bill or resolution being considered. The fiscal impact must be stated in dollar amounts; identify the impact on revenues; identify the impact on expenditures; identify the impact for the current biennium, the upcoming biennium, and the next succeeding biennium; and identify the effect on the appropriation for the state agency or department for the current, upcoming, and next succeeding bienniums.

e. If the agency or department of ~~whom~~which a fiscal note is requested is unable to provide specific information upon the fiscal impact of the bill or resolution, the agency or department shall make an estimate of the impact according to ~~such~~the available information it may have or be able to obtain and shall state ~~that~~ the figures provided are an estimate.

f. If the agency or department is not able to make an estimate, it shall state that fact.

4. a. The agency or department preparing the fiscal note for a bill or resolution as introduced shall complete and return the fiscal note to the Legislative Council not later than five days from the date of the request. The agency or department preparing the fiscal note for an amended bill or resolution shall complete and return the fiscal note to the Legislative Council not later than one day from the date of the request.

b. The Legislative Council shall provide an electronic copy of the fiscal note to the Office of Management and Budget and the Governor. The Legislative Council shall ~~deliver a paper copy to~~make an electronic or paper copy of the fiscal note available to the Secretary of the Senate or the Chief Clerk of the House. ~~The Secretary of the Senate or the Chief Clerk of the House shall attach a paper copy to the original bill or resolution.~~

5. Any bill or resolution requiring a fiscal note must be stamped or have written on its cover a notation to the effect that a fiscal note is required.

6. A committee report must include a notation that a specific bill or resolution carries a fiscal note.

7. Upon second reading and final passage of a bill or resolution carrying a fiscal note, the Secretary of the Senate or the Chief Clerk of the House, whichever the case may be, shall read the fiscal note in its entirety at the time of reading the title of the bill or resolution to be voted on.

SECTION 4. AMENDMENT. Joint Rule 502 is amended as follows:

502. Fiscal notes for measures impacting counties, cities, or school districts.

1. Every bill or resolution introduced into either house of the Legislative Assembly which mandates changes in the revenues, expenditures, or fiscal liability of counties, cities, or school districts must have a fiscal note ~~attached~~ reflecting the statewide impact of the bill or resolution on counties, cities, or school districts.

2. If no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note otherwise required by this rule, a statement to that effect must be ~~attached to~~prepared for the bill or resolution by the party responsible for requesting the fiscal note pursuant to subsection 2 of Joint Rule 501. A statement ~~attached~~prepared pursuant to this subsection meets the fiscal note requirement.

3. The same requirements and procedures provided in Joint Rule 501 for state fiscal notes, including preparation, deadlines, forms, and reading of fiscal notes on second reading and final passage, apply to fiscal notes for counties, cities, and school districts except as provided in this rule.