

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 329

1 **SECTION 1. AMENDMENT.** Senate Rule 329 is amended as follows:

2 **329. MEASURES REFERRED TO APPROPRIATIONS COMMITTEE.**

- 3 1. Every bill providing an appropriation of five thousand dollars or more must be
- 4 referred or rereferred to and acted on by the Appropriations Committee, and every
- 5 bill or resolution proposing a change in the audit or fiscal procedures of a state
- 6 agency or institution must be originally referred to and acted upon by that
- 7 committee, before final action by the Senate thereon, unless otherwise ordered by
- 8 a majority vote of the members present.
- 9 2. Every bill or resolution to which is attached a fiscal note stating that the measure
- 10 has an effect of fifty thousand dollars or more on the appropriation for a state
- 11 agency or department must be rereferred to and acted on by the Appropriations
- 12 Committee before final action by the Senate thereon, unless otherwise ordered by
- 13 a majority vote of the members present.
- 14 3. A bill or resolution required to be referred or rereferred to the Appropriations
- 15 Committee which received a do not pass recommendation from committee and
- 16 which then is passed by the Senate is deemed reconsidered and must be referred
- 17 to and acted upon by the Appropriations Committee if that measure has not been
- 18 referred or rereferred to the Appropriations Committee before passage. The
- 19 Appropriations Committee shall report the measure back to the Senate for action in
- 20 accordance with these rules.
- 21 4. Except for bills approved for introduction after the deadline for introduction of bills,
- 22 all Senate bills required to be rereferred to the Appropriations Committee must be
- 23 rereferred not later than the twenty-third legislative day and all House bills required
- 24 to be rereferred to the Appropriations Committee must be rereferred not later than
- 25 the forty-seventh legislative day. If an appropriation bill is not reported to the floor
- 26 and rereferred as required herein, the bill is deemed rereferred and is under the

1 jurisdiction of the Appropriations Committee at the end of the twenty-third or
2 forty-seventh legislative day, as appropriate.

3 **SECTION 2. AMENDMENT.** House Rule 329 is amended as follows:

4 **329. MEASURES REFERRED TO APPROPRIATIONS COMMITTEE.**

- 5 1. Every bill providing an appropriation of five thousand dollars or more must be
6 referred or rereferred to and acted on by the Appropriations Committee before final
7 action by the House thereon, unless otherwise ordered by a majority vote of the
8 members present.
- 9 2. Every bill or resolution to which is attached a fiscal note stating that the measure
10 has an effect of fifty thousand dollars or more on the appropriation for a state
11 agency or department must be rereferred to and acted on by the Appropriations
12 Committee before final action by the House thereon, unless otherwise ordered by
13 a majority vote of the members present.
- 14 3. A bill or resolution required to be referred or rereferred to the Appropriations
15 Committee which received a do not pass recommendation from committee and
16 which then is passed by the House is deemed reconsidered and must be referred
17 to and acted upon by the Appropriations Committee if that measure has not been
18 referred or rereferred to the Appropriations Committee before passage. The
19 Appropriations Committee shall report the measure back to the House for action in
20 accordance with these rules.
- 21 4. Except for bills approved for introduction after the deadline for introduction of bills,
22 all House bills required to be rereferred to the Appropriations Committee must be
23 rereferred not later than the twenty-third legislative day and all Senate bills
24 required to be rereferred to the Appropriations Committee must be rereferred not
25 later than the forty-seventh legislative day. If an appropriation bill is not reported to
26 the floor and rereferred as required herein, the bill is deemed rereferred and is
27 under the jurisdiction of the Appropriations Committee at the end of the
28 twenty-third or forty-seventh legislative day, as appropriate.

NOTE: This proposed "rules amendment" is presented without any proposed change in order to provide a vehicle for discussion purposes. This is in response to the following suggestion:

We need an improved system related to "fiscal notes", i.e., what all gets referred to appropriations and what does not. The \$5,000 appropriation/\$50,000 fiscal effect works to an extent, but does it apply

only to general fund expenditures (not federal/special funds), and should it also apply to revenues from all sources?

Joint Rule 501 provides:

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 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 upon request of the chairman of the committee considering the bill or resolution, or by 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 the fiscal note procedure.
 - d. Each agency or department to whom 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 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 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 shall return the fiscal note along with the number of copies requested by the Legislative Council to the Legislative Council not later than five days from the date of the request.
 - b. The Legislative Council shall retain three copies, shall provide one copy to the Office of Management and Budget, shall provide one copy to the Governor, and shall deliver the remaining copies to the Secretary of the Senate or the Chief Clerk of the House. Of those copies, one copy must be attached to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, one copy must be provided to the President of the Senate, one copy must be provided to the Speaker of the House, and the remaining copies must be distributed as directed by the Secretary of the Senate or the Chief Clerk of the House, as appropriate.
- 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.