Session of 2011

HOUSE BILL No. 2188

By Committee on Judiciary

2-7

AN ACT concerning legislative bills; relating to fiscal notes; amending K.S.A. 74-9106 and 75-3715a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 74-9106 is hereby amended to read as follows: 74-9106. When requested by the chairperson or ranking minority member of a special or standing committee of the legislature to which the bill has been referred, or if a bill has been set for a hearing of such committee, a fiscal impact and correctional resource statement shall be provided for bills such bill amending any current crime or creating a new crime under the laws of the state of Kansas. The Kansas sentencing commission shall provide to the committee or committees to which such bill was referred a statement explaining the fiscal impact and effect on the utilization of correctional resources of such bill. The fiscal impact and correctional resources statement shall include a reliable estimate in dollars of the anticipated expenditures and change in utilization of correctional resources necessary to carry out the provisions of the bill. It shall also include a statement as to the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. Every agency and department of the state is directed to fully cooperate with the commission in preparation of any such statement. No comment or opinion shall be included in such statement regarding the merits of the measure for which the statement is prepared.

Sec. 2. K.S.A. 75-3715a is hereby amended to read as follows: 75-3715a. (a) Except as provided in subsection (d), fiscal notes shall be provided for all bills increasing or decreasing state revenues or the revenues of counties, cities and school districts, making state appropriations or increasing or decreasing existing appropriations or the fiscal liability of the state, or imposing functions or responsibilities on counties, cities and school districts which will increase their expenditures or fiscal liability. The director of the budget, or the director's designee, shall consult with the League of Kansas municipalities, Kansas association of counties and the Kansas association of school boards, as appropriate, when preparing such fiscal notes. Not more than seven days following the first reading of any such bill, the director of the budget shall furnish to the committee or committees to which such bill was
referred a statement explaining the fiscal effect of such bill. Fiscal notes are required for original bills only and not for amendments.

(b) The fiscal note, if possible, shall include a reliable estimate in dollars of the anticipated change in revenue, expenditures, or fiscal liability under the provisions of the bill. It also shall include a statement as to the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. Every agency and department of the state is directed to cooperate with the division of the budget in preparation of any fiscal note provided for by this act when, and to the extent, requested by the director of the budget.

(c) No comment or opinion shall be included in the fiscal note regarding the merits of the measure for which the note is prepared.

(d) No fiscal note is required for bills concerning the utilization of correctional resources unless the Kansas sentencing commission is required to provide such information pursuant to K.S.A. 74-9106, and amendments thereto.

Sec. 3. K.S.A. 74-9106 and 75-3715a are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.