

FIRST REGULAR SESSION

HOUSE BILL NO. 309

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NASHEED (Sponsor), EL-AMIN, BROWN (50), OXFORD,
MORRIS, CARTER, PACE, WALTON GRAY, JONES (63), LeBLANC, TALBOY, RUCKER,
WEBB AND CURLS (Co-sponsors).

0872L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 23.140, RSMo, and to enact in lieu thereof two new sections relating to minority impact statements.

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

Section A. Section 23.140, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 23.140 and 1, to read as follows: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]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (6) Whether or not the proposed legislation will have an economic impact on small
16 businesses. For the purpose of this subdivision "small business" means a corporation,
17 partnership, sole proprietorship or other business entity, including its affiliates, that:

18 (a) Is independently owned and operated; and

19 (b) Employs fifty or fewer full-time employees; and

20 **(7) Whether or not the proposed legislation will have an impact on minority**
21 **persons. For purposes of this subdivision, "minority persons" shall have the same meaning**
22 **as such term is defined in section 1 of this act. The oversight division, in cooperation with**
23 **all state departments and agencies, shall develop a protocol for analyzing the impact of the**
24 **legislation on minority persons.**

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

44 4. The director of the division, hereinafter provided for, or the director's designees, shall
45 seek information and advice from the affected department, division or agency of state
46 government and shall call upon the research staffs of the house of representatives and of the
47 senate, and upon the staffs of the house and senate appropriations committees for assistance in
48 carrying out fiscal notes and auditing functions and duties, during the interim, and each staff
49 shall supply such information or advice as it may possess in response to the inquiry. The state

50 auditor shall, upon request, cooperate and provide assistance in the conduct of audits and the
51 preparation of reports made in connection therewith.

**Section 1. 1. Each application for a grant from a state agency shall include a
2 minority impact statement that contains the following information:**

3 **(1) Any disproportionate or unique impact of proposed policies or programs on**
4 **minority persons in this state;**

5 **(2) A rationale for the existence of programs or policies having an impact on**
6 **minority persons in this state;**

7 **(3) Evidence of consultation of representatives of minority persons in cases where**
8 **a policy or program has an identifiable impact on minority persons in this state.**

9 **2. For purposes of this section, the following terms shall mean:**

10 **(1) "Disability", with respect to an individual, a physical or mental impairment**
11 **that substantially limits one or more of the major life activities of the individual, a record**
12 **of such physical or mental impairment, or being regarded as an individual with such a**
13 **physical or mental impairment. Disability does not include any of the following:**

14 **(a) Homosexuality or bisexuality;**

15 **(b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender**
16 **identity disorders not resulting from physical impairments, or other sexual behaviors;**

17 **(c) Compulsive gambling, kleptomania, or pyromania; or**

18 **(d) Psychoactive substance abuse disorders resulting from current illegal use of**
19 **drugs;**

20 **(2) "Minority persons", individuals who are women, persons with disabilities,**
21 **Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native**
22 **Americans;**

23 **(3) "State agency", a department, board, bureau, commission, or other agency or**
24 **authority of the state of Missouri.**

25 **3. The office of administration shall create and distribute a minority impact**
26 **statement form for state agencies and ensure its inclusion with applications for grants.**

27 **4. The requirements of this section shall be implemented to the extent consistent**
28 **with federal law.**

29 **5. Minority impact statements shall be used for informational purposes.**

✓