

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 258 entitled “An act relating to fiscal notes for bills that would affect the
4 expenditures or revenues of the State or a municipality” respectfully reports
5 that it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 2 V.S.A. § 23 is added to read:

9 § 23. BILLS REGARDING FELONIES; FISCAL NOTES

10 (a) A bill voted out of a standing committee of the General Assembly
11 which would create a new felony or which would increase the penalty on an
12 existing felony shall be accompanied by a fiscal note. The Joint Fiscal Office
13 shall prepare the fiscal note. The fiscal note shall be filed with the Clerk of the
14 House or the Secretary of the Senate, as appropriate, together with the bill to
15 be reported. A fiscal note shall accompany, rather than be a part of, the bill
16 and shall be presented by the reporter of the bill when the bill is taken up for
17 deliberation by the body.

18 (b) A fiscal note prepared under this section shall contain an estimate of the
19 effect of the creation of the new felony or of the increase in the penalty on an
20 existing felony upon the expenditures or revenues of the State for the fiscal
21 year in which the bill takes effect if enacted and for the next five succeeding

1 years. If the effect of the bill's felony provisions is not expected to be totally
2 evidenced within that period of time, the estimate shall be projected beyond
3 that period to include an estimate for the first year in which the felony
4 provisions are expected to affect fully expenditures or revenues. The fiscal
5 note need not address any other provision of the bill.

6 (c) Fiscal notes prepared under this section are for the sole purpose of
7 assisting the General Assembly and the public in conducting informed
8 deliberations on legislative proposals regarding felonies. An inaccuracy in a
9 fiscal note or the failure to issue a fiscal note shall not affect the validity of a
10 legislative enactment nor be the basis of an action against the State.

11 Sec. 2. 2 V.S.A. § 503 is amended to read:

12 § 503. FUNCTIONS

13 (a) The ~~joint fiscal committee~~ Joint Fiscal Committee shall direct,
14 supervise, and coordinate the work of its staff and secretaries.

15 (b) The ~~joint fiscal committee~~ Joint Fiscal Committee shall:

16 (1) ~~Furnish~~ furnish research services and secretarial services of a fiscal
17 nature to the ~~committees on appropriations~~ Committees on Appropriations, the
18 ~~senate committee on finance~~ Senate Committee on Finance, the ~~house~~
19 ~~committee on ways and means~~ House Committee on Ways and Means, the
20 ~~committees on transportation~~ Committees on Transportation, and the ~~joint~~
21 ~~fiscal committee~~ Joint Fiscal Committee;

1 (2) ~~Carry~~ carry on a continuing review of the fiscal operations of the
2 ~~state~~ State, including ~~but not limited to~~ revenues, budgeting, and expenditures;

3 (3) ~~Accept~~ accept grants, gifts, loans, or any other thing of value,
4 approved by the ~~governor~~, Governor under the provisions of 32 V.S.A. § 5,
5 when the ~~general assembly~~ General Assembly is not in session;

6 (4) ~~Keep~~ keep minutes of its meetings and maintain a file thereof; and

7 (5) prepare fiscal notes pursuant to section 23 of this title.

8 (c) The Joint Fiscal Committee shall direct its staff to provide testimony on
9 an annual basis on or before January 15 to the Senate and House Committees
10 on Government Operations regarding requests made for fiscal notes in the
11 previous year, including:

12 (1) the number of requests for fiscal notes;

13 (2) the number of fiscal notes prepared;

14 (3) the time it took to produce the fiscal notes; and

15 (4) the types of bills for which the fiscal notes were prepared.

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on passage.

18 and that after passage the title of the bill be amended to read: “An act relating
19 to requiring fiscal notes for bills relating to felonies and to tracking the use of
20 fiscal notes”.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE