



Fiscal Note Summary for the 2020 Legislative Session

October 2020

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Introduction

The *2020 Fiscal Note Summary* analyzes fiscal note activity during the 2020 regular session, providing a look at the volume and timeliness of fiscal notes.

The proceedings of the 2020 Legislative Session were interrupted by the COVID-19 pandemic, resulting in modifications to priorities and legislative processes affecting the volume of fiscal note requests and due dates. The summer of 2020 also saw a record number of special sessions which resulted in fiscal note requests throughout the summer. This summary reviews special session data separate from regular session data.

The LBO works collaboratively with all stakeholders to provide timely and objective information on the fiscal impact of proposed legislation. Many factors contribute to the process of completing a fiscal note. The LBO is committed to identifying opportunities to improve the fiscal note process, and understanding the fiscal note metrics is an important first step toward process improvement.

For more information on the LBO and fiscal note process please visit [our website](#).

Regular Session

Fiscal Note Requests and Agency Assignments

The LBO received a total of 561 fiscal note requests, resulting in 1,103 agency assignments, during the 2020 regular session. The number of fiscal note requests, during the 2020 regular session, were slightly down from previous non-budget legislative sessions, although those requests resulted in a greater number of agency assignments (see figures 1 and 2). It is important to note that non-budget years result in substantially fewer fiscal note requests and agency assignments than budget years (see figure 3 and 4).

Figures 1 through 4 compare the total number of regular session fiscal note requests to fiscal note agency assignments. Fiscal note agency assignments represent each fiscal note for which an agency was asked to respond. A fiscal note request represents an individual piece of legislation for which a fiscal note was requested. This means a single fiscal note request may result in multiple agency assignments.

Non-Budget Year Fiscal Note Requests and Agency Assignments

Figure 1: Unique Fiscal Note Requests by Status

FN Status	2016	2018	2020
Complete	459	429	354
Incomplete	33	48	7
Inactive	78	98	200
Total	570	575	561

Figure 2: Individual Agency Assignments by Status

FN Status	2016	2018	2020
Complete	833	766	659
Incomplete	60	96	16
Inactive	147	170	428
Total	1,040	1,032	1,103

Budget Year Fiscal Note Requests and Agency Assignments

Figure 3: Unique Fiscal Note Requests by Status

FN Status	2015	2017	2019
Complete	782	750	737
Incomplete	3	13	2
Inactive	232	280	266
Total	1,017	1,043	1,005

Figure 4: Individual Agency Assignments by Status

FN Status	2015	2017	2019
Complete	1,455	1,283	1,425
Incomplete	12	31	2
Inactive	507	583	633
Total	1,974	1,897	2,060

A fiscal note's status falls into one of three categories:

- **Complete:** A fiscal note that has been signed off by the LBO.
- **Inactive:** A fiscal note no longer needed by the legislature. In some cases, an inactivated note is replaced by a new request due to an amendment to the bill or revised bill language.
- **Incomplete:** An active fiscal note request that is not yet complete. At the end of a session, there are some notes that do not get completed, and do not get inactivated.

In the 2020 regular session, 63 percent of fiscal note requests and 60 percent of agency assignments were complete at the time the data was pulled from the Fiscal Note Tracking System (FNTS). Inactivated fiscal notes accounted for 36 percent resulting in 39 percent of agency assignments becoming inactive.

One percent of the fiscal note requests and agency assignments were incomplete at the end of the session.

The LBO assumed responsibility for the oversight of fiscal notes on September 1, 2019. Prior years are shown for comparison only.

Fiscal Note Requests and Agency Assignments by Chamber

In the 2020 regular session, the House submitted 363 total fiscal note requests resulting in 703 agency assignments. The Senate submitted 198 fiscal note requests resulting in 400 agency assignments. Sixty-four percent of House fiscal note requests were completed and 60 percent of Senate requests were completed.

Figure 5: 2020 Fiscal Note Requests and Agency Assignments by Chamber

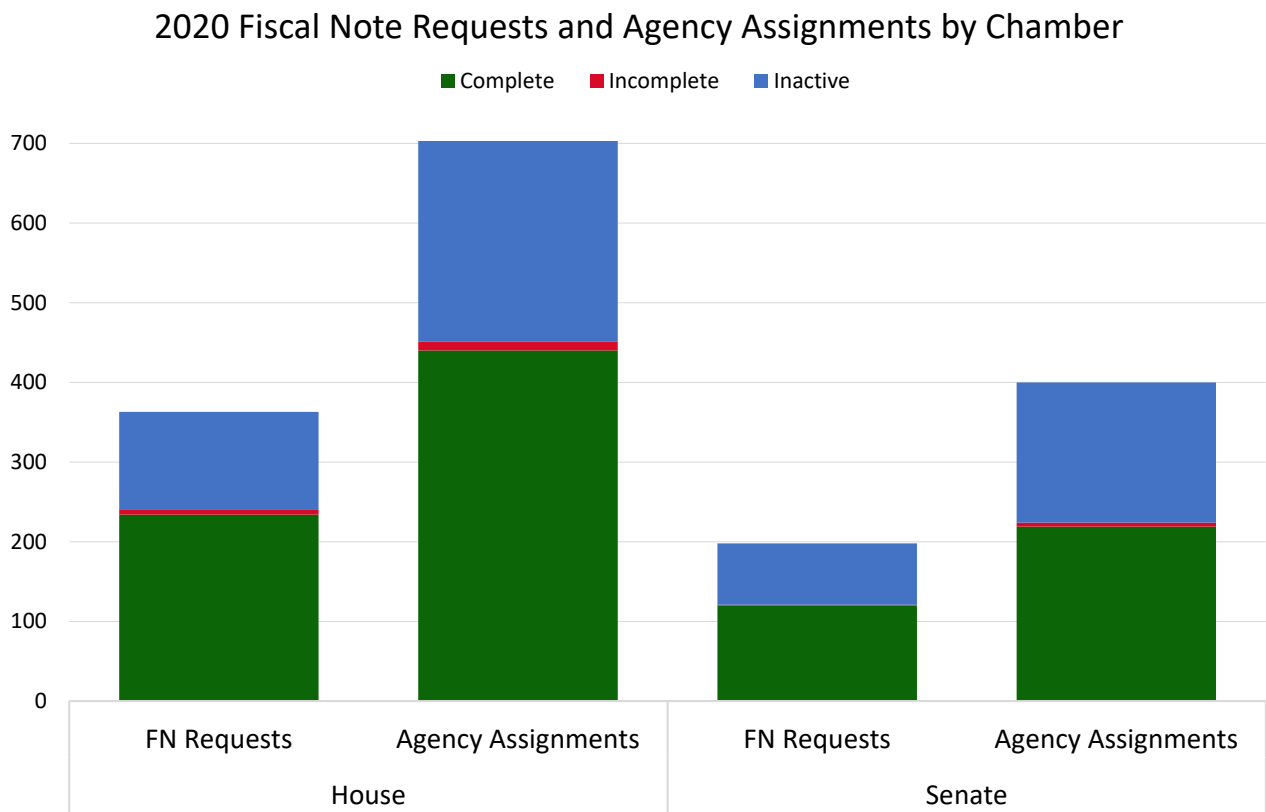


Figure 6: House Requests and Agency Assignments

FN Status	FN Requests	Agency Assignments
Complete	234	440
Incomplete	6	11
Inactive	123	252
Total	363	703

Figure 7: Senate Requests and Agency Assignments

FN Status	FN Requests	Agency Assignments
Complete	120	219
Incomplete	1	5
Inactive	77	176
Total	198	400

Weekly Fiscal Note Requests and Agency Assignments

The first week of the legislative session resulted with 134 fiscal note agency assignments, increasing to 230 by week three of session. Even with the severe drop-off in fiscal note requests after week five, the total number of requests and agency assignments are similar to previous non-budget legislative sessions with a larger number of original requests being inactivated than in prior years.

Figure 8: 2020 Fiscal Note Requests and Agency Assignments by Session Week

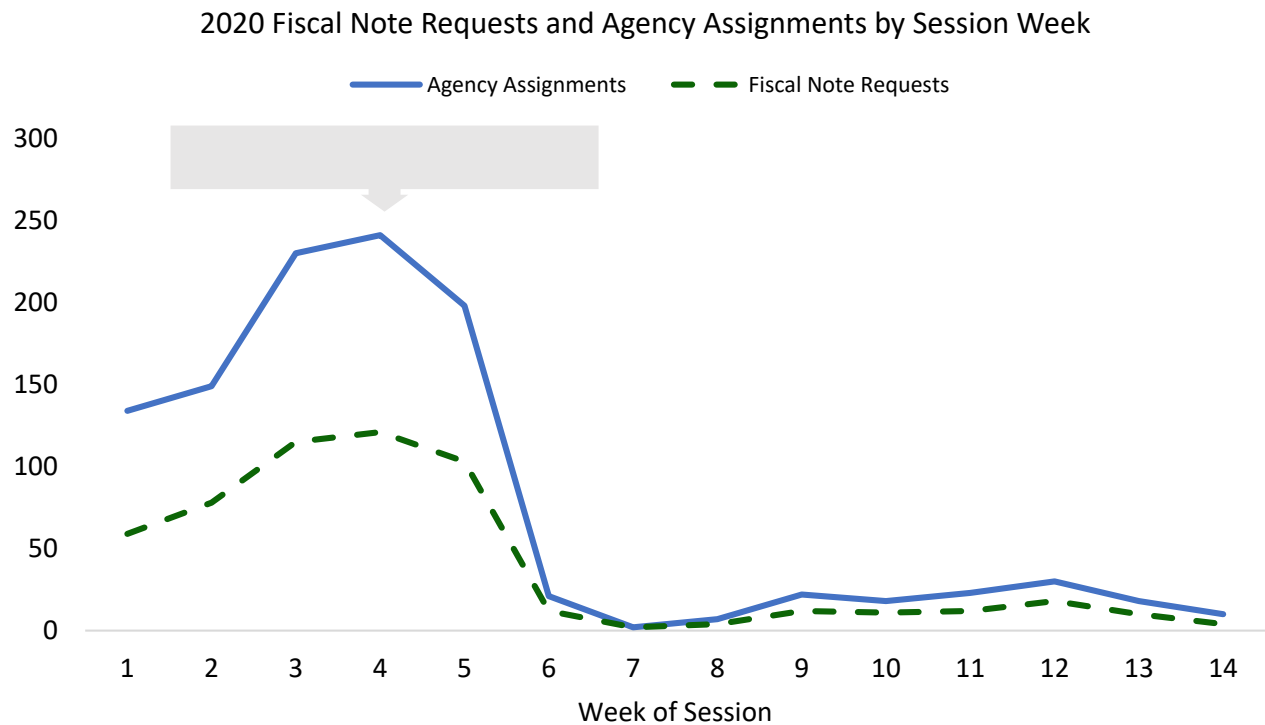


Figure 9: 2020 Fiscal Note Requests and Agency Assignments by Session Week

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
FN Requests	59	78	115	121	103	12	2	4	12	11	12	18	10	4	561
Agency Assignments	134	149	230	241	198	21	2	7	22	18	23	30	18	10	1,103

Fiscal Notes Requests by Policy Area

In 2020, the Health and Human Services policy area received over twice as many requests as any other policy area. Policy areas with the most fiscal note requests completed include: Criminal Justice, Judiciary, and Public Safety (60), Transportation (50), and Health and Human Services (50) (see figure 11).

Policy area is something identified by the LBO for purposes of this document. The lead agency on a consolidated fiscal note was used to determine the policy area of a fiscal note. An agency outside of a particular policy area may contribute to a fiscal note that is outside of their policy area if they are assigned to a consolidated note where the lead agency is identified in a different policy area.

Figure 10: Fiscal Note Requests by Policy Area

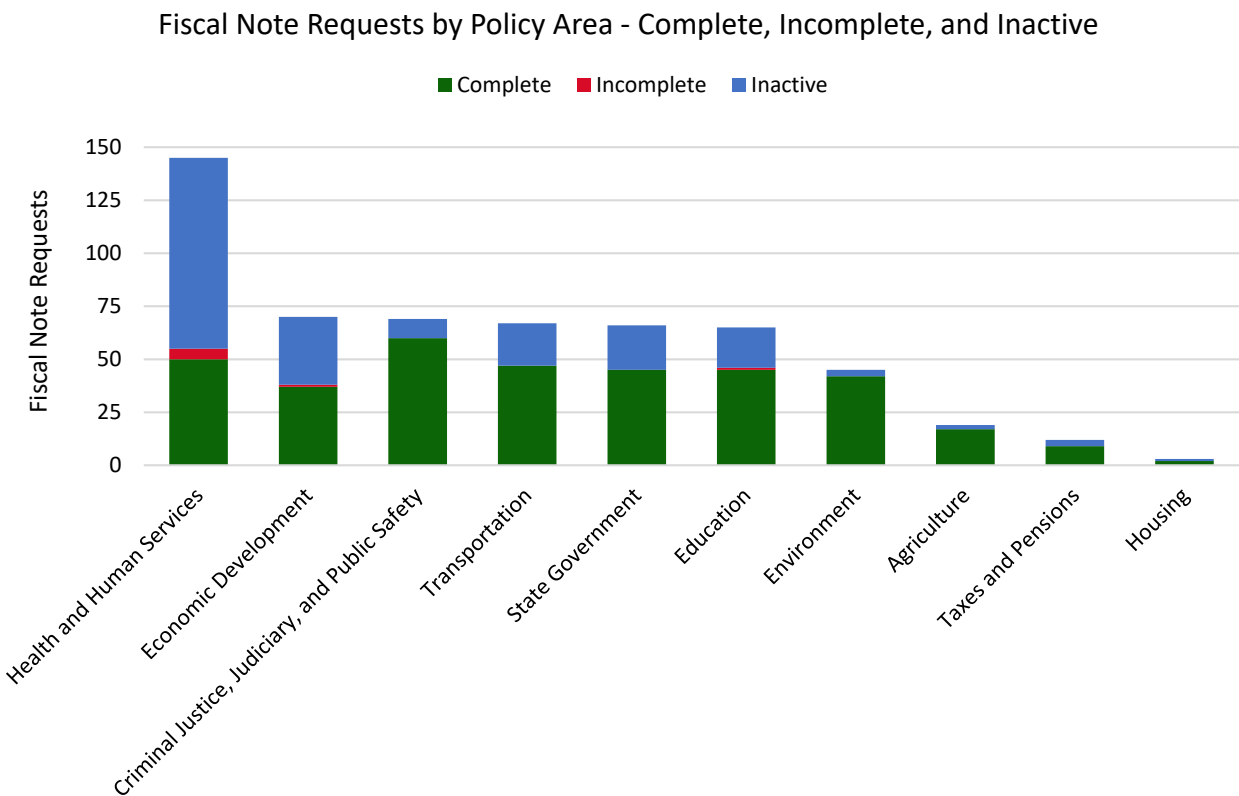


Figure 11: Fiscal Note Requests by Policy Area

Agency	Complete	Incomplete	Inactive	Total
Health and Human Services	50	5	90	145
Economic Development	37	1	32	70
Criminal Justice, Judiciary, and Public Safety	60	0	9	69
Transportation	47	0	20	67
State Government	45	0	21	66
Education	45	1	19	65
Environment	42	0	3	45
Agriculture	17	0	2	19
Taxes and Pensions	9	0	3	12
Housing	2	0	1	3

Timeliness of Completed Fiscal Notes

For completed fiscal notes during the 2020 regular session, 59 percent were completed by the due date set in the FNTS. This compares to 71 percent of completed agency assignments (see Figure 12).

The measurements of timeliness are reported using calendar days. The FNTS sets a default due date of eight business days, which typically means a total of 10-12 calendar days depending on when the request is made, unless another date is selected by the requester. Calendar days account for activity that often occurs outside normal business days.

The fiscal note request column measures when a fiscal note receives final LBO sign off by the due date. The agency assignments column measures when an individual agency assignment receives LBO sign off by the due date. A fiscal note is considered on time if it is the status of complete (signed off by the LBO) by the due date in the FNTS.

Figure 12: Percent of Fiscal Note Requests and Agency Assignments by Days Past Due

Days Past Due	2020 Fiscal Note Requests	2020 Agency Assignments
On time	59%	71%
1-3	19%	13%
4-6	5%	4%
7-10	6%	4%
10+	11%	8%

The data in Figure 12 does not account for changes to the due date of a request or the work that may occur during the LBO review requiring additional information from agencies. In certain cases, a fiscal note may have been submitted to the LBO by the due date in the FNTS; however, the LBO required changes or additional information on the fiscal note prior to signing off.

More agency assignments are completed on time than fiscal note requests involving multiple agencies (consolidated notes). Assignments include each agency assigned to a consolidated note. Many factors not captured by metrics influence whether a fiscal note is completed on time.

Data includes completed fiscal notes. Incomplete and inactivated fiscal note requests are excluded.

Average Days to LBO Signoff: 15 days

The average number of days taken to complete a fiscal note request during the 2020 regular session is 15 days. This is a measure of time from the day the LBO receives a fiscal note request to the day the fiscal note is completed and signed off on by the LBO. The data available in the FNTS does not account for the work that may occur between an agency and the LBO during the review and analysis process. It is common for an agency to make changes to a fiscal note in response to the LBO's review, or if they identify a change that needs to be made. Initial agency fiscal note submissions are not captured by this metric, unless they are unchanged subsequent to LBO review and are then signed off.

Figure 13: Average Calendar Days to LBO Signoff

Days taken to complete	2020
Average	15
Median	9

Note: Includes only completed fiscal notes; excludes auto-generated companion bills.

Average Days from Request Date to Due Date: 14 days

The average number of days allowed for the completion of a fiscal note request during the 2020 regular session was 14 calendar days. The number of days allowed to complete a note is at the discretion of the legislative requester. When submitting a fiscal note request, a requester may adjust the deadline to be shorter or longer than the system generated default of eight business days. A requester may change the deadline at any point after submitting a request.

Figure 14: Average Calendar Days from Request Date to Due Date

Days allowed to complete	2020
Average	14
Median	10

Note: Excludes auto-generated companion bills.

Days allowed to complete a fiscal note is measured from the day a fiscal note request is submitted to the day of the FNTS due date. Agencies are directed to submit their fiscal note to the LBO 24 hours before the due date of a single agency fiscal note, and 48 hours before the due date for a consolidated fiscal note, to provide sufficient time for LBO review.

A Note on Timeliness

There are many factors that contribute to the timely completion of a fiscal note. These factors include, but are not limited to:

- Complexity of bill language
- Days allowed to complete
- Coordinating assumptions between agencies
- LBO requested changes after submission
- Presence of new or updated information
- Changes in due dates to reprioritize requests

Special Sessions

The summer of 2020 saw a record number of special sessions. The information below details the fiscal note activity that took place from the close of the regular session on May 18, 2020 up to September 1, 2020. Thirty total fiscal note requests were made over this time period with 17 of those requests getting completed as of September 1 (see figure 15). Twenty-four of the fiscal note requests came from the House with six requests made in the Senate (see figure 17). The Economic Development, Health and Human Services, and Criminal Justice, Judiciary, and Public Safety policy areas account for 15 of the 17 completed fiscal notes over this time period (see figure 18).

Figure 15: 2020 Special Sessions Fiscal Note Requests and Agency Assignments

FN Status	Fiscal Note Requests	Agency Assignments
Complete	17	32
Incomplete	5	8
Inactive	8	15
Total	30	55

Figure 16: 2020 Special Sessions Fiscal Note Requests by Month

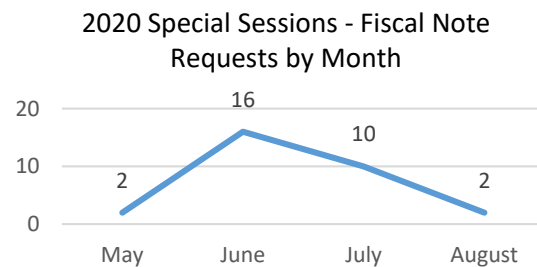


Figure 17: 2020 Special Sessions Fiscal Note Requests by Chamber

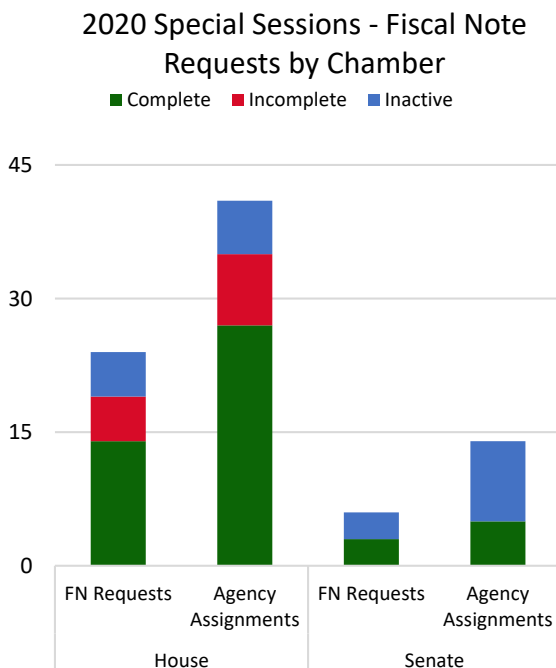
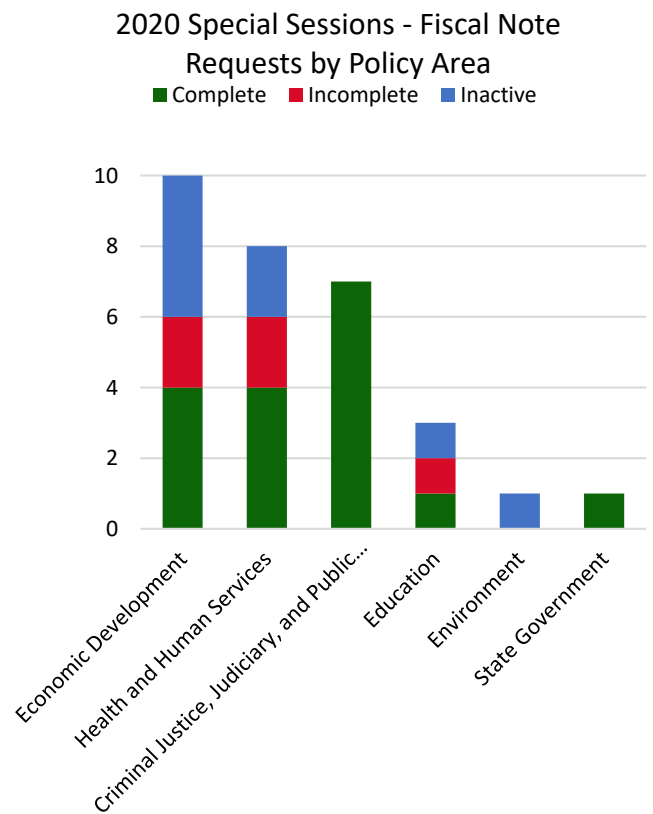


Figure 18: Special Sessions Fiscal Note Requests by Policy Area



Methodology

Data for this report was retrieved from the Fiscal Note Tracking System (FNTS) on September 1, 2020. Data on fiscal notes from the regular session reflect notes requested within the regular session dates of February 11 through May 18, 2020. Fiscal notes from special sessions are shown in the special sessions section of this report.

The Legislative Budget Office provided additional analysis of the data in order to be able to report on:

- fiscal notes requested during regular session;
- requests by week; and
- fiscal notes by policy area.

Measures were taken to ensure fiscal notes were not double counted by year or policy area. For certain measures within the metrics report, auto-generated companion fiscal notes were excluded.

The Fiscal Note Tracking System is limited in terms of tracking metrics. The system does not capture or record changes in a way that allows the LBO to show the full story of all that is involved during fiscal note development, review, and approval. Opportunities for improvement with the Fiscal Note Tracking System include, but are not limited to:

- logging changes to due dates, signoff, and the status of requests
- preserving all workflow information on revised notes
- archiving original fiscal notes when a note is revised
- tracking inactivated requests that are subsequently replaced by a new request