



Fiscal Note

Uniform Standards and Procedures

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OVERVIEW

Legislative Budget Office Standard and Procedure
Draft for Discussion

I. Descriptions

A. Fiscal Note

A fiscal note estimates the fiscal impact resulting from the implementation of proposed legislation. The fiscal impact includes the potential expenditure change (costs or savings), non-tax revenue gain, non-tax revenue loss and effect on staffing. A fiscal note assists legislators and the public to better understand how a bill might impact the state budget as a whole, the budgets of individual agencies, and in some instances, local governments.

1. Regular

A regular fiscal note is a fiscal note that is requested and prepared on an introduced bill or amendment to an introduced bill.

2. Unofficial

An unofficial fiscal note is a fiscal note that is requested and prepared on draft legislation that is not yet in the form of an introduced bill.

3. Classified Unofficial

A classified unofficial fiscal note is a fiscal note that is requested and prepared on draft legislation that is not yet in the form of an introduced bill or amendment considered in committee or on the floor, for which the author has requested that the unofficial fiscal note be classified as nonpublic data.

B. Local Impact Note

A local impact note is an estimate of the statewide fiscal impact of proposed legislation on local units of government.

II. Governing Statutes

A. Legislative Budget Office

[Minnesota Statute 3.8853](#) establishes the requirements and authority of the Legislative Budget Office (LBO). The LBO is responsible for providing the legislature with nonpartisan, accurate, and timely information on the fiscal impact of proposed legislation, without regard to political factors.

The director of the LBO is appointed by the LBO Oversight Commission for a term of six years and may hire staff to perform the work of the office.

Agencies are required to provide data, including non-public data, upon request of the LBO that are used in the preparation of fiscal notes unless there are federal laws or regulations that prohibit the provision of the data for this purpose. This data may only be used by the LBO to review an agency's work in preparing a fiscal note and may not be used or disseminated for any other purpose.

Completed fiscal notes must be delivered to the chair of the requesting committee and chief author and posted to the LBO public website within 24 hours of completion, if not classified under [Minnesota Statute 13.64](#), subdivision 3.

B. Legislative Budget Office Oversight Commission

[Minnesota Statute 3.8854](#) establishes the requirements for the Legislative Budget Office Oversight Commission (LBOOC) which consists of the following membership:

- two members of the senate appointed by the senate majority leader;
- two members of the senate appointed by the senate minority leader;
- two members of the house appointed by the speaker of the house;
- and
- two members of the house appointed by the minority leader

The director of the LBO is the executive secretary of the commission. The chief nonpartisan fiscal analyst of the house, the lead nonpartisan fiscal analyst of the senate, the commissioner of Minnesota

Management and Budget (MMB) or a designee, and the legislative auditor are ex-officio, nonvoting members of the commission.

The chair and vice chair of the commission are elected by the members of the commission and alternate between the house and senate each odd numbered year. The commission is charged with:

- hiring the LBO director
- reviewing the work of the office
- approving uniform standards and procedures for fiscal notes
- making recommendations to improve the office's ability to fulfill its duties and perform other functions

C. Fiscal Notes

[Minnesota Statute 3.98](#) establishes the requirements for preparing a fiscal note.

Each agency, board, commission, or court of state government (referred to collectively as "agency") is required to prepare a fiscal note consistent with the uniform standards and procedures developed by the LBO, at the request of the chair of the standing committee to which a bill has been referred, or the chair of the house ways and means committee, or the chair of the senate committee on finance.

A fiscal note must:

- (1) cite the effect in dollar amounts;
- (2) cite the statutory provisions affected;
- (3) estimate the increase or decrease in revenues or expenditures;
- (4) include the costs that may be absorbed without additional funds;
- (5) include the assumptions used in determining the cost estimates; and
- (6) specify any long-range cost implications.

The fiscal note may comment on technical or mechanical defects in the bill but may not express opinions concerning the merits of the proposal.

A completed fiscal note must be delivered to:

- the chair of the ways and means committee of the house
- the chair of the finance committee of the senate
- the chair of the standing committee to which the bill has been referred

- the chief author of the bill
- the commissioner of management and budget

D. Unofficial Fiscal Notes

[Minnesota Statute 13.64](#), subdivision 3 establishes the requirements for unofficial fiscal notes.

An unofficial fiscal note is a fiscal note that may be requested by or on behalf of a member of the legislature on draft language for a bill that has not been introduced.

A requester of an unofficial fiscal note may also provide a directive that the data be classified as nonpublic and that data on the request, the bill draft, and the unofficial fiscal note is considered private data on individuals or nonpublic data. The requester may have access to the data and may choose to disclose it.

If the legislative language upon which an unofficial classified fiscal note was prepared is subsequently used for an introduced bill, or any legislation, including an amendment or a proposed bill that any member of the legislature offers for consideration by a legislative committee, the fiscal note becomes public data and is available if requested.

E. Fiscal Note Data

[Minnesota Statute 13.64](#), subdivision 4 requires data used in the preparation of a fiscal note to be shared with the LBO.

A head or chief administrative officer of an agency must provide data used to prepare a fiscal note, including nonpublic data, to the director of the LBO upon the director's request, unless there are federal laws or regulations that prohibit the provision of the not public data for this purpose. The data must be supplied according to the LBO Uniform Standards and Procedures. An agency may not require the LBO to pay a cost for supplying the data requested.

F. Local Impact Notes

[Minnesota Statute 3.986](#), [3.987](#), and [3.988](#) establish the definitions, requirements and exemptions for local impact note requests, production and publication.

1. Definitions

Local fiscal impact is defined as increased or decreased costs or revenues that a political subdivision would incur as a result of a law enacted after June 30, 1997, or rule proposed after December 31, 1999 that:

- (1) mandates a new program, eliminates an existing mandated program, requires an increased level of service of an existing program (which may include requiring an existing service to be provided in a shorter period of time), or permits a decreased level of service in an existing mandated program;
- (2) implements or interprets federal law and, by its implementation or interpretation, increases or decreases program or service levels beyond the level required by the federal law;
- (3) implements or interprets a statute or amendment adopted or enacted pursuant to the approval of a statewide ballot measure by the voters and, by its implementation or interpretation, increases or decreases program or service levels beyond the levels required by the ballot measure;
- (4) removes an option previously available to political subdivisions, or adds an option previously unavailable to political subdivisions, thus requiring higher program or service levels or permitting lower program or service levels, or prohibits a specific activity and so forces political subdivisions to use a costlier alternative to provide a mandated program or service;
- (5) requires that an existing program or service be provided in a shorter time period and thus increases the cost of the program or service, or permits an existing mandated program or service to be provided in a longer time period, thus permitting a decrease in the cost of the program or service;
- (6) adds new requirements to an existing optional program or service and thus increases the cost of the program or service because the political subdivisions have no reasonable alternative other than to continue the optional program;
- (7) affects local revenue collections by changes in property or sales and use tax exemptions;
- (8) requires costs previously incurred at local option that have subsequently been mandated by the state; or

(9) requires payment of a new fee or increases the amount of an existing fee, or permits the elimination or decrease of an existing fee mandated by the state.

When state law is intended to achieve compliance with federal law or court orders, state mandates shall be determined as follows:

- (1) if the federal law or court order is discretionary, the state law is a state mandate;
- (2) if the state law exceeds what is required by the federal law or court order, only the provisions of the state law that exceed the federal requirements are a state mandate; and
- (3) if the state law does not exceed what is required by the federal statute or regulation or court order, the state law is not a state mandate.

A mandate is a requirement imposed on a political subdivision in a law by a state agency or by judicial authority that, if not complied with, results in:

- (1) civil liability;
- (2) criminal penalty; or
- (3) administrative sanctions such as reduction or loss of funding.

A political subdivision is a school district, county, or home rule charter or statutory city.

2. Request, Preparation and Publication

The LBO is responsible to coordinate the development of a local impact note for any proposed legislation upon request of the chair or the ranking minority member of either legislative Tax, Finance, or Ways and Means Committee.

After receiving a local impact note request, the LBO must notify the authors of the proposed legislation that the request has been made. The local impact note must be made available to the public upon request.

If the action included in the proposed legislation is among the exceptions listed in section [3.988](#), a local impact note need not be requested nor prepared.

The LBO shall make a reasonable and timely estimate of the local fiscal impact on each type of political subdivision that would result from the proposed legislation. In doing so, the office may require any political subdivision or the commissioner of an agency to supply in a timely manner any information deemed necessary to determine the local fiscal impact. The political subdivision, its representative association, or commissioner is required to convey the requested information to the LBO with a signed statement that the information is accurate and complete to the best of its ability. The political subdivision, its representative association, or commissioner, when requested, shall update its determination of local fiscal impact based on actual cost or revenue figures, improved estimates, or both.

After completing the note, a copy must be provided to the authors of the proposed legislation and to the chair and ranking minority member of each committee to which the proposed legislation is referred. The completed note will be made available on the LBO's website.

3. Exemptions

A local impact note need not be prepared for:

- (a) increases in the cost of providing an existing service if the increases result directly from inflation. "Resulting directly from inflation" means attributable to maintaining an existing level of service rather than increasing the level of service. A cost-of-living increase in welfare benefits is an example of a cost resulting directly from inflation.
- (b) increased local costs that do not result from a new program or an increased level of service.
- (c) the cost of a mandated action if the law containing the mandate:
 - (1) accommodates a specific local request;
 - (2) results in no new local government duties;
 - (3) leads to revenue losses from exemptions to taxes;
 - (4) provided only clarifying or conforming, nonsubstantive charges on local government;
 - (5) imposes additional net local costs that are minor (an amount less than or equal to one-half of one percent of the local revenue base or \$50,000, whichever is less for any single local government if the mandate does not apply statewide or less than \$1,000,000 if the mandate is statewide);
 - (6) is a law or executive order enacted before July 1, 1997, or a rule initially implementing a law enacted before July 1, 1997;

- (7) implements something other than a law or executive order, such as a federal, court, or voter-approved mandate;
- (8) results in savings that equal or exceed costs;
- (9) requires the holding of elections;
- (10) ensures due process or equal protection;
- (11) provides for the notification and conduct of public meetings;
- (12) establishes the procedures for administrative and judicial review of actions taken by political subdivisions;
- (13) protects the public from malfeasance, misfeasance, or nonfeasance by officials of political subdivisions;
- (14) relates directly to financial administration, including the levy, assessment, and collection of taxes;
- (15) relates directly to the preparation and submission of financial audits necessary to the administration of state laws; or
- (16) requires uniform standards to apply to public and private institutions without differentiation.

III. Fiscal Note Roles and Responsibilities

Legislative Budget Office Standard and Procedure

Draft for Discussion

Role	Responsibility
<p>Requester</p> <p><i>Chair of House Ways and Means Committee, Senate Finance Committee, or a fiscal analyst or committee administrator designee operating on their behalf</i></p>	<ul style="list-style-type: none"> ▪ Enters fiscal note request into the Fiscal Note Tracking System (FNTS). A requester indicates the bill number and version, author, requesting committee, due date, and any relevant messages to LBO and agencies to be assigned. At this point, a fiscal note has a fiscal note status of “Legislative Request.” ▪ Attaches bill language if not available on the website. ▪ Reviews bill language prior to submitting a request and if needed work with author/drafter on clarification that may be needed. ▪ Uses the “Message” function to communicate relevant information such as committee hearing dates, if the bill is similar to other legislation, to suggest agencies that should be assigned a fiscal note, or if the agency is only being asked to respond to certain sections of the bill. ▪ If the requester agrees to a later due date for a fiscal note, the requester is responsible for changing the due date in the FNTS.
<p>Fiscal Analyst</p>	<ul style="list-style-type: none"> ▪ See the above role if the fiscal analyst is designated as the requester. ▪ Assists agency or LBO with clarification of bill language and management of fiscal note due dates when needed. ▪ Reviews the completed fiscal note. If necessary, contacts agency contact person, agency fiscal note coordinator or LBO analyst to obtain additional information or clarification. If bill is amended or engrossed, requests new fiscal note and inactivates original request if no longer needed.

Role	Responsibility
LBO Coordinator	<ul style="list-style-type: none"> ▪ Reviews bill language for which fiscal note is requested. Determines agencies affected by provisions of the bill. Assigns agencies to the fiscal note. ▪ If more than one agency is assigned (consolidated note), designates a lead agency. ▪ Consults with fiscal analysts, LBO analysts and others deemed relevant on fiscal note assignment when necessary. ▪ Uses the “Message” function to communicate any relevant information such as if a central service agency is being asked to respond on behalf of multiple agencies. ▪ Ensures the FNTS is operating appropriately to support the fiscal note workflow, approval, distribution and publication process.
Agency Fiscal Note Coordinator*	<ul style="list-style-type: none"> ▪ Coordinates the prompt and accurate development of agency fiscal notes. ▪ Ensures that fiscal notes are completed within specified timelines. ▪ Receives FNTS notifications of new fiscal note requests via email. ▪ Regularly monitors the FNTS to determine the status of assigned fiscal notes. ▪ Obtains bill language for which a fiscal note has been requested. Reads bill and distributes to appropriate agency staff. ▪ Reviews and organizes expenditure, revenue, and FTE information provided by agency staff. Assembles all relevant fiscal and narrative information and forwards to agency FNTS staff. ▪ Reviews fiscal note for compliance with LBO Uniform Standards and Procedures. If fiscal note is acceptable, authorizes agency sign off. ▪ If designated as the lead agency on a consolidated note, works in consultation with the LBO to communicate and coordinate with other agencies assigned to prepare a fiscal note to ensure consistency of assumptions across agencies. <i>See Lead LBO analyst role.</i>

Role	Responsibility
Agency Contact*	<ul style="list-style-type: none"> ▪ The individual who should be contacted and is prepared to respond to questions about the fiscal note. The agency contact name and phone number will appear immediately above the fiscal note coordinator’s signature in the fiscal note document.
Agency Program, Fiscal and Administrative Staff*	<ul style="list-style-type: none"> ▪ Reads and analyzes bill to extent required for preparation of accurate and complete fiscal estimates. Prepares fiscal note narrative as required to explain assumptions and rationale used in preparing fiscal estimates. Prior to the stipulated due date, forwards material to agency fiscal note coordinator. ▪ If a consolidated fiscal note, works with other assigned agencies and the LBO to coordinate assumptions used for fiscal note preparation. ▪ If local government units are affected (and when possible) works with representatives of local government organizations to estimate impact of bill on relevant local government units or political subdivisions, if doing so will not impact timeliness.
Agency FNTS Staff*	<ul style="list-style-type: none"> ▪ Completes fiscal impact indicators; as applicable, enters expenditure, amount agency can absorb, transfers out, revenue, transfers in, and FTE information by fund for each fiscal year. ▪ Completes fiscal note narrative sections.
LBO Analyst	<ul style="list-style-type: none"> ▪ Reviews completed fiscal notes in FNTS for accuracy, objectivity, reasonableness and compliance with the Uniform Standards and Procedures. ▪ Signs off in system by selecting appropriate signoff option (approve or not approve) which will initiate notification to the legislature. Enters comments, as necessary, using the LBO narrative screen. ▪ If agency data is not in compliance with the Uniform Standards and Procedures, contacts the agency with questions or recommendations for revision. If the fiscal note is a consolidated fiscal note (more than one agency assigned), see the responsibilities below.

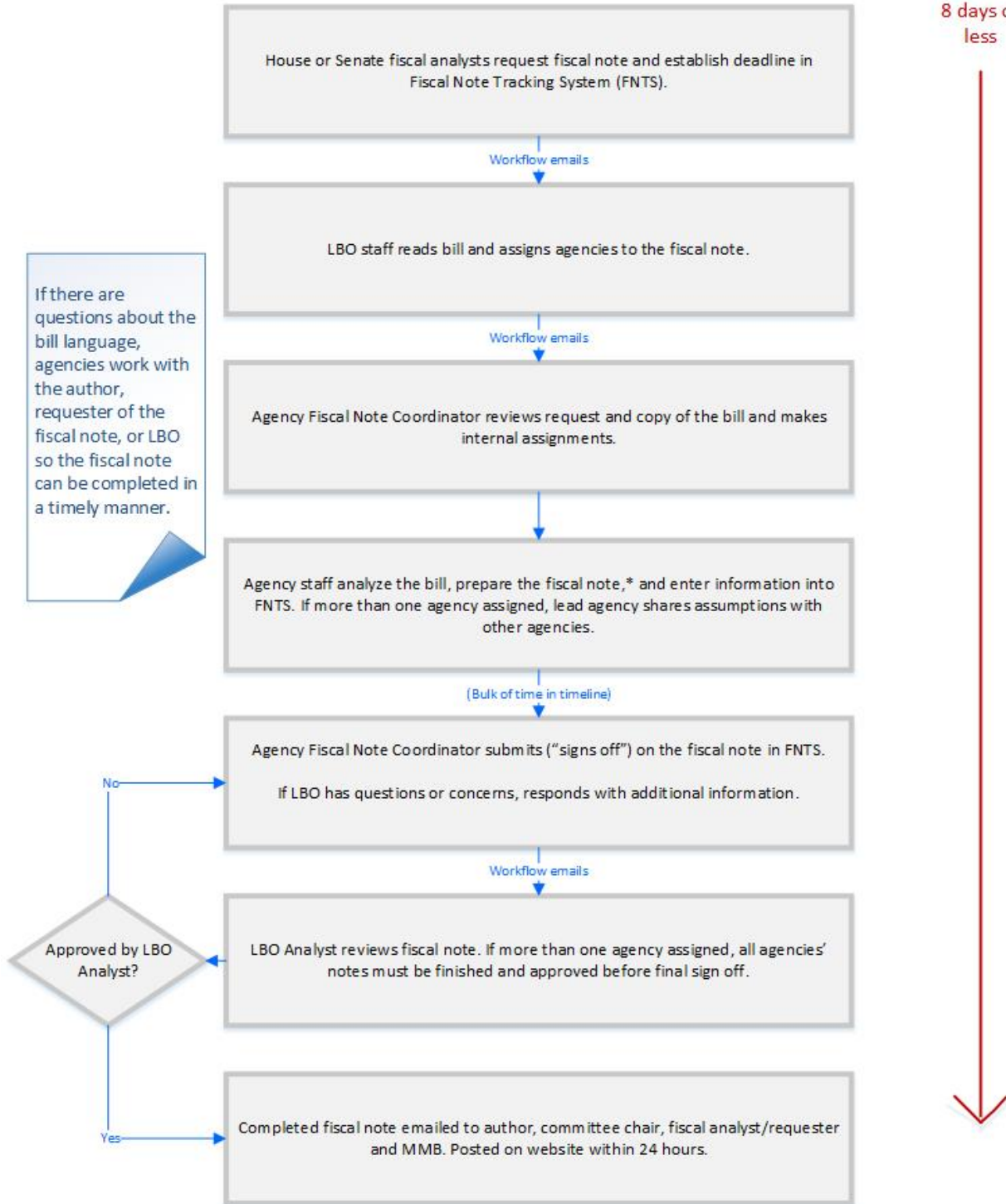
Role	Responsibility
Lead LBO Analyst (Consolidated Fiscal Notes Only)	<ul style="list-style-type: none"> <li data-bbox="488 233 1117 338">▪ When necessary, works with agencies to oversee the coordination of assumptions and methodology for consolidated fiscal notes. <li data-bbox="488 359 1117 537">▪ If the fiscal note is a consolidated fiscal note, the lead LBO analyst reviews the consolidated fiscal note for conflicting assumptions, double counting, interactions among agencies/funds or omissions among all assigned agencies. <li data-bbox="488 558 1133 726">▪ Signs off in the system by selecting appropriate signoff option (approve or not approve) which will initiate notification to the legislature. Enters clarifying comments, as necessary, using the LBO narrative screen. <li data-bbox="488 747 1117 900">▪ If data entered by any assigned agency is not acceptable, contacts the agency or assigned LBO Analyst with questions or recommendations for revision.

*Some agencies may have the same person serve in any or all of these roles.

Legislative Budget Office Fiscal Note Process

Typical
Timeline

8 days or
less



* Information includes assumptions used, impact on agency, estimated costs or savings, including technology costs involved in change, additional staff required, long term considerations and any local impact noted.

Chapter 1: TYPES OF FISCAL NOTES

Fiscal Notes (Regular)

Standard

Fiscal notes are estimates of the fiscal impact of a bill. Fiscal notes are prepared by the agency that is impacted by a bill or by the agency that is uniquely knowledgeable on the subject of a bill. The fiscal note must include the dollar amount estimate of the fiscal impact as well as a narrative that provides a description of a bill and the assumptions and calculations used in developing the estimates. The fiscal note must contain all applicable fiscal impacts, including:

- Increases or decreases to expenditures
- Increases or decreases to non-tax revenues
- Absorbed costs
- Fund transfers
- Long-range fiscal implication
- Local fiscal impacts

A regular fiscal note is a fiscal note on a specific version of an introduced bill or amendment to an introduced bill.

Procedure

1. An authorized requester identifies the need to request a fiscal note on an introduced or subsequent version of a bill and submits a request in the FNTS.
2. The LBO receives the request, reviews the bill language and assigns the appropriate agency to prepare a fiscal note in the FNTS.
3. The assigned agency prepares a fiscal note according to the standard and procedures and submits the note through the FNTS to the LBO for review and approval.
4. A preliminary note is viewable in the FNTS by the LBO analyst, House and Senate fiscal analysts and Minnesota Management and Budget executive budget officers. Fiscal analysts and agencies are discouraged from distributing preliminary notes as they have not yet been reviewed by the LBO.

5. The LBO analyzes the note for compliance with the Uniform Standards and Procedures, works with the agency to resolve any issues, and indicates if the note is approved or not approved in the FNTS.
6. After LBO signoff, the fiscal note is distributed via email to the requester, chief author of the bill, chair of the committees, commissioner of MMB and other individuals the requester has included on the email distribution list in the FNTS.
7. The completed fiscal note is posted and available through the LBO website 24 hours after completion.

Consolidated Fiscal Notes

Standard

Consolidated fiscal notes, which are notes for bills that impact more than one agency, will be prepared by all impacted agencies, unless one or a group of agencies are being asked to respond on behalf of other agencies impacted by the bill.

Consolidated fiscal notes are subject to the Uniform Standards and Procedures of regular fiscal notes, with some minor exceptions noted in the procedure below.

Procedure

1. An authorized requester requests a fiscal note on an introduced or subsequent version of a bill and submits a request using the FNTS.
2. The LBO receives the request, reviews the bill language and assigns the appropriate agencies to prepare a fiscal note in FNTS. The LBO will designate the agency with the largest fiscal impact or most subject matter expertise on the proposed legislation as the “lead” agency for the consolidated fiscal note.
3. The LBO should work with designated lead agency and other agencies assigned to the note to coordinate assumptions and completion of the fiscal note according to the Uniform Standards and Procedures.
4. For notes of particular complexity, the LBO may work with the requester and lead agency to determine whether or not it would be beneficial to have the lead agency develop and submit their assumptions prior to the note being assigned to other agencies. In these instances, the lead agency will submit their assumptions to the LBO, the LBO will review the assumptions for compliance with the Uniform Standards and Procedures, and assign the note to other agencies with the assumptions attached.

5. The LBO will provide technical assistance and manage communication for the sharing of assumptions across agencies when necessary for the efficient completion of a consolidated fiscal note.
6. Agencies will, with LBO assistance when needed, coordinate and cooperate with one another to ensure that consolidated fiscal notes avoid contradictory assumptions, double counting, and omissions.
7. Assigned agencies complete the fiscal note for their agency according to the standard and procedures and submit the note through FNTS to the LBO for review and approval.
8. The LBO analyzes each for compliance with the Uniform Standards and Procedures, works with the agencies to resolve any issues, and indicates if each individual note is approved or not approved in the FNTS.
9. The LBO analyst assigned to the lead agency on a fiscal note will review both the individual agency's note and the final consolidated note, which includes all agencies, for consistency and accuracy. The lead LBO analyst signoff is the final signoff by the LBO.
10. After lead LBO analyst signoff, the consolidated fiscal note is distributed via email to the requester, chief author of the bill, chair of the committees, commissioner of MMB and other individuals included on the email distribution list in the FNTS.
11. The completed fiscal note is posted and available through the LBO website within 24 hours after completion.

Unofficial Fiscal Notes

Standard

Unofficial fiscal notes under [Minnesota Statute 13.64, subdivision 3](#) are notes on draft legislation that has not been introduced as a bill in the House or Senate. Unless otherwise requested by the author, unofficial fiscal notes are public.

Unofficial fiscal notes are subject to the Uniform Standards and Procedures of regular fiscal notes and consolidated notes when applicable, with some minor exceptions noted in the procedure below.

Procedure

1. An unofficial note may be requested on draft legislation, prior to the bill being introduced, through the FNTS. The requester must select "unofficial" as the note type.

2. If the requester does not intend for the unofficial note to be public, they must instead select “classified unofficial” and the note will be subject to the Uniform Standards and Procedures for classified unofficial notes.
3. The requester must attach the draft language in FNTS. The system will assign the unofficial note a bill number in the 9000 series, i.e. SF9002 or HF9007.
4. The LBO will receive the request and review the language to determine which agencies should be assigned to prepare the fiscal note.
5. The assigned agencies complete the unofficial fiscal note according to the standard and procedures and submit the note through the FNTS to the LBO for review and approval.
6. The LBO analyzes the note for compliance with the Uniform Standards and Procedures, works with the agencies to resolve any issues, and indicates if the note is approved or not approved in the FNTS.
7. After LBO signoff, the unofficial fiscal note is distributed via email to the requester, chief author of the proposed legislation, chair of the committees, commissioner of MMB and other individuals included on the email distribution list in the FNTS.
8. The completed unofficial fiscal note is posted and available through the LBO website 24 hours after completion.

Classified Unofficial Fiscal Notes

Standard

Unofficial fiscal notes classified as nonpublic data, also known as classified unofficial, are notes on draft legislation that has not been introduced as a bill in the House or Senate, and has been requested to be classified as nonpublic data under [Minnesota Statute 13.64, subdivision 3\(b\)](#). Unlike unofficial fiscal notes, classified unofficial fiscal notes are not available to the public and are not published on the LBO website. Classified unofficial fiscal notes are considered private data on individuals or nonpublic data, and are displayed only to the requester, the LBO, assigned fiscal note coordinator, and agency users with signoff authority.

Agencies assigned to a classified fiscal note must ensure that all internal and external communications concerning the note comply with the Government Data Practices Act. Agencies may only share nonpublic data with staff whose work assignment reasonably requires they have access to it. When multiple agencies are assigned to a classified unofficial fiscal note, agencies may share information with one another in order to complete the unofficial fiscal note.

Classified unofficial fiscal notes are subject to the Uniform Standards and Procedures of regular, consolidated and unofficial notes when applicable. Exceptions are noted in the procedure below.

Procedure

1. A classified unofficial fiscal note may be requested on draft legislation prior to the bill being introduced in by selecting “classified” as the note type in the FNTS.
2. The requester must attach bill language.
3. The system will assign the unofficial fiscal note a bill number in the 9000 series, (i.e., SF 9002 or HF 9007) and apply security settings that restrict the FNTS users who are able to view the request and unofficial fiscal note document in the system.
4. The note will be assigned to all agencies that are impacted by the attached bill language.
5. Assigned agencies may share information with one another.
6. Assigned agencies’ communication should be limited to the persons needed to complete the note.
7. Communications must comply with the Government Data Practices Act.
8. The assigned agencies complete the classified unofficial fiscal note according to the standard and procedures and submit the note through the FNTS to the LBO for review and approval.
9. The LBO analyzes the note for compliance with the Uniform Standards and Procedures, works with the agencies to resolve any issues, and indicates if the note is approved or not approved in the FNTS.
10. When a classified unofficial fiscal note is completed, FNTS will send an email notification to the legislative requester, the assigned agency coordinator, and the LBO.
11. Classified unofficial fiscal notes will not be made publically available unless the information is disclosed by the requestor or the language for which the classified unofficial fiscal note was based on is subsequently used for an introduced bill, or any legislation, including an amendment or a proposed bill, that any member of the legislature offers for consideration by a legislative committee. In that case, the original classified unofficial fiscal note then becomes public information and is available upon request to the LBO.

Local Impact Notes

Standard

The LBO will coordinate the development of a reasonable and timely local impact note for any proposed legislation upon request of the chair or the ranking minority member of either legislative Tax, Finance, or Ways and Means Committee. ([Minnesota Statute 3.987.](#))

To facilitate efficient collection of data for local impact notes, the LBO will maintain:

- a contact list of representative associations
- communication prior to the legislative session to keep representative associations informed of the local impact note process

Procedure

1. The chair or ranking minority member of either legislative Tax, Finance, or Ways and Means Committee submits a request for a local impact note via memo to the LBO director.
2. The LBO will review the request to confirm that the request falls within the scope of local impact note requests by reviewing [Minnesota Statute 3.988.](#)
3. If the following information is not included in the request, the LBO will contact the bill author to provide:
 - a. the policy goals that are sought to be attained and any performance standards that are to be imposed on political subdivisions;
 - b. any performance standards that will allow political subdivisions flexibility and innovation of method in achieving those goals;
 - c. the process by which each standard governs input such as staffing and other administrative aspects of the program;
 - d. the sources of additional revenue, in addition to existing funding for similar programs, that are directly linked to imposition of the mandates that will provide adequate and stable funding for their requirements;

- e. the reasons why financial incentives or voluntary compliance would not yield the equity, efficiency, or desired level of statewide uniformity in the proposed program;
 - f. what input has been obtained to ensure that the implementing agencies have the capacity to carry out the delegated responsibilities; and
 - g. the efforts put forth, if any, to involve political subdivisions in the creation or development of the proposed mandate.
4. The LBO will develop a methodology and timeline to collect the information from the political subdivisions affected. This may include, but is not limited to:
- a. School districts
 - b. Counties
 - c. Home Rule Charter Cities
 - d. Statutory Cities
- Note:** Representative associations may be contacted to efficiently collect the required data.
5. The LBO will examine the information provided by the political subdivisions and prepare a cost estimate of statewide local impact costs. The cost estimate will include:
- a. Detailed analysis of the cost estimate
 - b. Listing of the entities that contributed information for the estimate
6. A copy of the local impact note will be provided in memorandum form from the LBO director to the legislative requester, the bill authors and the chair and ranking minority member of each committee to which the proposed legislation is referred.
7. Completed local impact notes will be published on the LBO website.

Chapter 2: FISCAL NOTE PROCESS

Authorized Requesters

Standard

The LBO will accept and process fiscal note requests from authorized requesters as defined in [Minnesota Statute 3.98](#):

- chair of a standing committee to which the bill has been referred,
- chair of the House Ways and Means Committee, and
- chair of the Senate Committee on Finance.

Note: The chairs of the House Ways and Means Committee and Senate Finance Committee may designate nonpartisan fiscal analysts or the committee administrator of the Ways and Means and Committee on Finance to act on their behalf as an authorized requester.

Also, as defined in [Minnesota Statute 13.64](#), any member of the legislature or an authorized requester on their behalf may request an unofficial or classified unofficial fiscal note.

Procedure

1. Authorized requesters are confirmed and identified each year by the LBO in consultation with the Chief Fiscal Analyst in the House and Lead Fiscal Analyst in the Senate.
2. Authorized requesters are granted a role in the FNTS that allows them to make fiscal note requests.
3. No one other than an authorized requester may request a fiscal note in the FNTS.

Timeliness

Standard

All efforts will be made to complete fiscal notes in a timely manner. The authorized fiscal note requester will request fiscal notes with as much advance notice as possible and will assign a due date to each fiscal note at the time of request. **“Due date” is defined as the date a completed fiscal note is to be returned to the Legislature, not the date that an agency should be finished preparing the note.** An agency preparing a fiscal note should provide the LBO

analyst at least 24 to 48 hours in advance of the due date to review the fiscal note.

The LBO, House and Senate fiscal analysts, and agencies will work collaboratively to prioritize fiscal notes using factors that may include but are not limited to the original due date of the fiscal note, hearing schedules and committee priorities.

Procedure

1. The requester assigns a due date in the FNTS when the fiscal note request is made.
2. The default due date in FNTS is eight (8) business days; however, to assist the LBO and agencies in the prioritization of fiscal notes, requesters should consider assigning a due date that aligns with the committee schedule, anticipated complexity of the fiscal note and other relevant factors.
3. Requests with due dates under five (5) business days will be marked urgent in the FNTS.
4. For urgent fiscal note requests, the requester is encouraged to include information in the message box in the FNTS explaining the reason for the urgent request.
5. Agency fiscal note coordinators are expected to monitor due dates and committee hearing schedules. Coordinators should communicate with their agency, the LBO analyst, and House and Senate fiscal analysts to manage, when possible, shifting priorities that impact completion of fiscal notes by the identified due date.
6. Agencies are expected to make every effort to comply with fiscal note due dates and complete the note 24 to 48 hours prior to the due date to allow the LBO sufficient time to review the fiscal note.
7. If the agency identifies that additional time is needed, the fiscal note coordinator should contact the requester and LBO to explain why additional time is need. If the requester agrees to a later date for completion of the fiscal note, the requester is encouraged to update the due date in FNTS.
8. The LBO analyst will regularly monitor fiscal note timelines and when requested will work with requesters and agencies to develop the appropriate methods to prioritize the completion of fiscal notes.
9. After agency completion of a fiscal note, the LBO analyst will make every effort to provide review and analysis of the fiscal note for compliance with LBO Uniform Standards and Procedures within 24 hours for regular notes and 48 hours for consolidated notes.

10. The LBO analyst should inform the requester in cases where the review and analysis, or the LBO work with the agency, is anticipated to take more than 24 hours to complete for regular notes or 48 hours for consolidated notes.
11. In cases where an agency has not provided a complete fiscal note in the timeline requested by the requester, the LBO will determine the appropriate steps to take to provide the legislature with the fiscal impact of the proposed legislation. This may include, but is not limited to escalation to the agency head, committee chair or LBO Oversight Commission or assessing the LBO ability to develop an estimate of the fiscal impact.

Bill Version

Standard

All fiscal note requests must be made based on a specific version of legislation. This may be in the form of an introduced bill, an official or unofficial engrossed version of a bill, a proposed or adopted amendment to a bill, or draft legislation.

A fiscal note will not be completed if language is not provided as part of the request.

Procedure

1. The requester will identify the bill number and version for the fiscal note request. In the majority of cases, this should be the most the recent version of the bill language.
2. Agencies should verify they are using the most recent bill language. If the agency identifies that a new version of the bill is available, they should contact the requester to confirm the version of the bill to use.
3. If the bill language is changed after a request has been made, and the original request is no longer relevant, the requester should inactivate the original request and make a new request based on the most recent version of the bill language.

Assignment

Standard

The LBO will receive fiscal note requests and assign the appropriate agency, or group of agencies, to prepare a fiscal note. An agency will be assigned to prepare a fiscal note if the bill language changes the agency statutes or indicates that the agency would:

- receive an appropriation in the bill
- receives and or collects money in the bill
- administer a program or grant in the bill

An agency may also be assigned to prepare a fiscal note if the agency is uniquely knowledgeable on the subject of the bill.

Procedure

1. An authorized requester submits a request for a fiscal note through the FNTS.
2. The LBO coordinator receives the request and reviews the language to determine which agencies to assign the fiscal note.
3. When necessary, the LBO coordinator will consult with the requester, LBO analyst, agency and others deemed relevant to the proposed legislation to determine whether or not additional agencies should be assigned to prepare a fiscal note.
4. The LBO Coordinator will attempt to include all agencies which may be affected by the proposed legislation. If an agency assigned to prepare a fiscal note identifies another affected agency not included in the assigned agencies, the fiscal note coordinator should contact the LBO at lbo@lbo.leg.mn immediately so that the LBO may consider whether to add the additional agency to the request.
5. If an agency has not been assigned, but believes they should be, or has been assigned to a fiscal note, but they are not impacted by the bill, they should contact the LBO to discuss whether or not they should be added/removed from the note.
6. Agencies assigned to prepare a fiscal note are notified via email to the agency designated fiscal note coordinator.

Note: In the case of a consolidated fiscal note, a lead agency will be designated in the FNTS. The LBO will work with the lead agency to facilitate the coordination of assumptions with other assigned agencies for efficient preparation of the consolidated fiscal note.

Clarification of Language

Standard

Fiscal notes will be prepared for official language, as drafted, and provided with the request. In cases where the bill language is unclear, has technical issues or the interpretation of the language by the agency assigned to prepare a fiscal note is different than the interpretation of the author, the agency and author should work together to determine whether or not the language should be amended.

Procedure

1. After receiving a fiscal note request, the agency should review the language to determine whether or not additional clarification is needed, if there are technical issues with the language, or if the agency interpretation of the language is different than the agency's understanding of the author's interpretation.
2. The agency should consult with the requester and LBO analyst to determine the appropriate steps to take to clarify the bill language or resolve technical issues with the bill language.
3. The bill author will determine whether or not they would like to have an amendment drafted to clarify the bill language, address the technical issues identified by the agency, or align the author's interpretation of the language with the agency's interpretation.
4. If an amendment is drafted, the requester should inactivate the original request in the FNTS and enter a new request based on the amended language.
5. If an amendment is not drafted, the agency should prepare the fiscal note based on the language provided with the request and consult with the LBO analyst and requester on the approach they are taking to prepare the fiscal note.

Assumptions and Estimates

Standard

A fiscal note should provide the best possible estimate of the change in expenditures, non-tax revenues, and staffing from the current law base budget or most recently published forecast as a direct result of the proposed legislation.

Fiscal note estimates must be accurate, reasonable and objective and may not be influenced by an agency's position on the bill. The estimate should also not be in consideration of other proposed legislation.

Agencies must take a neutral approach and explain the factors, assumptions, and methodology used to develop the estimate of the fiscal impact of the proposed legislation. They may not include secondary costs, such as an anticipated return on investment, in the calculation of the fiscal effect.

Procedure

1. Agencies should compare the language provided with the fiscal note request to existing statutory requirements and responsibilities.
2. Agencies will include a bill summary in the fiscal note.
3. Agencies will explain their interpretation of the language and the impact to agency services and operations through the development assumptions that are transparent, reasonable and adequately documented, and note any technical issues related to the proposed language.
4. Technical or mechanical defects of the bill may be addressed in the assumptions. The agency may not comment on the merits of the bill.
5. For consolidated fiscal notes, the LBO analyst will work with the lead agency to determine the appropriate methods to communicate and coordinate with other agencies assigned to prepare a fiscal note to ensure consistency of assumptions across agencies.
6. Potential secondary fiscal impacts may be discussed in the narrative of the fiscal note but must be excluded from the expenditure and revenue formula and fiscal note table.
7. Expenditure and revenue estimates and the impact on full time equivalent (FTE) positions should contain sufficient documentation to justify calculations. This should include, but is not limited to:
 - a. Detailed line item expenditures
 - b. Distinctions between one-time and ongoing costs
 - c. Identification of specific revenue sources
 - d. Explanations for substantial differences in revenue or expenditures between years
 - e. Staffing changes calculated and presented as full time equivalent positions

8. Inflationary effects are typically excluded for cost estimates of proposed legislation. If the proposed legislation adds or amends an inflationary adjustment to an appropriation, forecast program or formula, it may be appropriate to include inflation.

Administrative Impact

Standard

Wherever possible, agencies should calculate common administrative costs, savings or reductions using consistent and standard factors and approaches. Adequate explanation should be included when agencies deviate from their standard factors and approaches to calculating administrative impacts.

Procedure

1. Agencies develop consistent and standard factors and approaches to identifying and calculating common administrative costs or savings, which include but may not be limited to staff, advisory groups, studies and reports, and information technology costs.
2. The LBO will coordinate a meeting among the fiscal analysts, agencies and other interested parties as necessary to better understand the factors included in the calculation of administrative impacts.
3. Agencies should adequately explain within the fiscal note if there are circumstances that require the agency to deviate from their standard factors and approaches to calculating administrative impacts.
4. Agencies must provide sufficient detail within the fiscal note to explain and justify all administrative impacts.

Absorbed Costs

Standard

Agencies may identify costs of a bill that an agency is able to absorb if the costs are operational in nature, will not displace any other activities, and a thorough justification and explanation of how and why the agency is able to absorb the costs is provided.

An agency will not indicate the ability to absorb costs based solely on either bill language requiring an agency to absorb costs or agency support of a bill.

Procedure

1. Agencies must detail the total costs associated with the bill regardless of the appropriations stated in the bill.
2. Agencies may then indicate which specific costs they are able to absorb.
3. Agencies should include in the fiscal note a full explanation of their ability to absorb the costs.

Transfers

Standard

Fiscal notes must report fund and account transfers that result from the proposed legislation. Both sides of the transaction (Transfers In and Transfers Out) must be recognized in the fiscal note, resulting in a net zero fiscal impact.

Procedure

1. A transfer must be explained in the assumptions of the fiscal note and include the amount of the transfer, the funds or account involved, and if multiple agencies are involved in the transfer.
2. A transfer must be included in the *State Costs (Savings) Calculation Details* table. The table should include both sides of the transaction (Transfers In and Transfers Out).
3. For an Inter-agency transfers, all agencies involved in the transfer will be assigned to the fiscal note.
4. The LBO will verify that both sides of the transfer are present in the fiscal note and that the result is a net zero impact on the consolidated fiscal note.

Local Impacts

Standard

Agencies are encouraged to work with local government organizations in estimating the local impact of proposed legislation if it will not compromise the timeliness of a fiscal note.

Procedure

1. If the proposed legislation will have a fiscal impact on a local government unit or political subdivision, agencies should check the “Yes” box on the fiscal note.
2. The agency must complete the local fiscal impact section of the fiscal note narrative. The agency is to provide a brief description of the fiscal impact to the local government, describe any new or expanded local mandate(s), and whether it is a program or a non-program mandate.
3. If the agency is unable to quantify the estimated amount of local impact, this section should explain the factors contributing to local government estimated costs.

Agency Signoff

Standard

Agencies complete and sign off on a fiscal note to notify the assigned LBO analyst that the fiscal note is complete and ready for LBO review. Agencies are expected to provide agency fiscal note signoff at least 24 to 48 hours before the fiscal note due date to provide the LBO analyst sufficient time to review the note prior to submission to the legislature. Fiscal notes with a technology related impact must be reviewed by the agency’s chief business technology officer (CBTO) prior to submission to the LBO

Procedure

1. An agency should prepare an assigned fiscal note in compliance with the LBO Uniform Standards and Procedures.
2. After completing the note, the agency should carefully review the fiscal note to confirm accuracy, transparency, objectivity, and completeness.
3. Fiscal note coordinators should work with their agency CBTO to ensure this review occurs. If an LBO analyst notes during the LBO review that the agency CBTO has not yet reviewed the note, the CBTO will be instructed to completed this step before the fiscal note can move forward.
4. Agency signoff should only be completed when an agency has completed the necessary review and approval and is not likely to change the data in the fiscal note.
5. If an agency identifies the need to revise a fiscal note, they should contact the requester and LBO analyst to explain the need for revision. The agency may remove its signoff at any time prior to the LBO analyst signing off on the note.

6. The LBO analyst may remove an agency signoff if the note does not comply with the Uniform Standards and Procedures after they have requested the agency to remove their signoff if removing the agency signoff is necessary to facilitate the timely modification of the note.

LBO Review

Standard

The LBO reviews agency fiscal notes for reasonableness, accuracy, objectivity, and compliance with the Uniform Standards and Procedures prior to sending to the legislature.

Procedure

1. Once an agency has completed and signed off on a fiscal note, the assigned LBO analyst will review the fiscal note.
2. The LBO analyst will promptly signoff on fiscal notes that are determined to be in compliance with the Uniform Standards and Procedures.
3. If the LBO analyst has questions on the fiscal note or determines that the fiscal note is not in compliance with the Uniform Standards and Procedures, they will discuss the contents of the fiscal note with agency fiscal note coordinate or agency designated staff involved in the preparation of the fiscal note.
4. LBO analysts may request additional information, including the underlying data used to prepare the fiscal note consistent with Minnesota Statutes 3.8853, subd. 4, and require the agency to update the fiscal note for compliance with the Uniform Standards and Procedures.
5. If the agency provided fiscal note is not updated for compliance with the Uniform Standards and Procedures, the LBO will determine the appropriate action to take. This may include, but is not limited to escalation to the agency head, committee chair or LBO Oversight Commission; indicating that the note is not approved; or adding a note or cover memo to the fiscal note.

Access to Data

Standard

The LBO may request from agencies data, including non-public data, to aid in reviewing the fiscal note. The LBO will not use or disseminate the data for any other purpose.

Procedure

1. During the LBO review of a fiscal note, the LBO may request additional information, including the underlying data used to prepare the fiscal note.
2. Agencies are required to provide the data, including non-public data, unless there are federal laws or regulations that prohibit the provision of the data for this purpose.

Publication

Standard

After review and signoff by the LBO, fiscal notes will be distributed directly to the requester, chief bill author, requesting committee chair and MMB. Completed fiscal notes that are public data will be publically available through the LBO website within 24 hours of LBO review and signoff.

Procedure

1. Fiscal analysts and agency fiscal note coordinators will update and confirm email distribution lists in the FNTS on an annual basis or after a change in committee membership or staffing.
2. Immediately following the LBO analyst signoff, or lead LBO analyst signoff for a consolidated note, the FNTS will provide will email the completed fiscal note to the requester, chief bill author, requesting committee chair, MMB, and individuals that have been assigned to the committee and agency distribution lists.
3. A copy of the fiscal note will be available through the LBO website within 24 hours of LBO signoff.

Revisions

Standard

An LBO approved fiscal note must comply with the fiscal note Uniform Standards and Procedures, reflecting a reasonable and objective estimate of the fiscal effect of proposed legislation. If new information becomes available that would provide a more accurate fiscal note, the LBO will work with agencies to revise a fiscal note.

Procedure

1. A request for revision of a fiscal note may be made by the chair of the standing committee to which the bill has been referred, the bill author, a

fiscal analyst or an agency. The LBO may also identify the need to revise a fiscal note.

2. The request to revise a fiscal note must include sufficient details to explain why the fiscal note should be considered for revision.
3. The LBO will review the request for revision to determine whether or not the request is based on new information or will result in a more accurate fiscal note. The LBO may consult with the requester, fiscal analysts, the agency and others deemed relevant to determine whether or not a fiscal note should be revised.
4. The LBO will only allow a fiscal note to be revised if new information is available or the revision will result in a more accurate fiscal note. The LBO will not authorize the revision of a fiscal note if the LBO determines that the original fiscal note is as accurate and reasonable as possible.
5. If the LBO determines that a fiscal note should be revised, it will inform the agency and change the status in the FNTS.
6. The revised fiscal note will explain the reason it has been revised and will be subject to the same review and approval requirements of the original note.
7. The revised fiscal note will be posted to the LBO website within 24 hours of completion. A copy of the original fiscal note, including an indication that the note has been revised, will also be retained.

Addendum

The applicable Minnesota Statutes for the Legislative Budget Office are included below for reference. Used by permission of the Revisor of Statutes, State of Minnesota.