

# LBO Standards and Procedures Survey, May-June 2019

## Questions & Results Summary – All Responses

*Note: Each question lists the responses from three survey response collections. The first is all responses from all iterations of the survey. Group 1 refers to the first iteration of the survey, which was sent to nonpartisan legislative fiscal staff, agency fiscal note coordinators and CFOs, and MMB Budget Division staff. Group 2 refers to the second iteration of the survey, which was sent to LBOOC members, chairs and committee administrators of finance committees, and partisan research staff.*

1. What is your role?

MMB staff: 16

Nonpartisan legislative staff: 14

Agency staff: 39

Partisan Research Staff: 17

Committee Administrator: 13

Chair of Finance Committee or Division: 13

Other: 14

2. When a fiscal note is requested, the default due date is currently eight business days. An option exists to specify an earlier due date when necessary. The default due date should:

All Responses

Remain the same: 76

Be less than eight days: 21

Be greater than 8 days: 14

Group 1

Remain the same: 45

Be less than eight days: 6

Be greater than 8 days: 14

Group 2

Remain the same: 31

Be less than eight days: 15

Be greater than 8 days: 0

3. Should fiscal notes be requested without a hearing scheduled?

All Responses

Yes: 73

No: 38

Group 1

Yes: 35

No: 30

Group 2

Yes: 38

No: 8

4. Ideally, how far in advance of a hearing should a fiscal note be requested?

All Responses

14 days: 30  
10 days: 36  
Eight days: 19  
Five days: 11  
Other: 15

Group 1

14 days: 24  
10 days: 19  
Eight days: 11  
Five days: 3  
Other: 8

Group 2

14 days: 6  
10 days: 17  
Eight days: 8  
Five days: 8  
Other: 7

5. How far in advance of a hearing should a fiscal note be completed?

All Responses

No less than two hours: 5  
No less than four hours: 11  
At least 8 hours: 24  
At least one day: 72

Group 1

No less than two hours: 4  
No less than four hours: 5 At least 8 hours: 17  
At least one day: 40

Group 2

No less than two hours: 1  
No less than four hours: 6 At least 8 hours: 7  
At least one day: 32

6. What is a reasonable timeline for agencies to complete the majority of fiscal note requests?

All Responses

Four days after notification of request: 15  
Six days after notification of request: 38  
Eight days after notification of request: 39  
Twelve days after notification of request: 19

Group 1

Four days after notification of request: 5  
Six days after notification of request: 18  
Eight days after notification of request: 25  
Twelve days after notification of request: 17

Group 2

Four days after notification of request: 10  
Six days after notification of request: 20  
Eight days after notification of request: 14  
Twelve days after notification of request: 2

7. What's a reasonable timeline for the LBO to approve the majority of fiscal notes once the agency has signed off?

All Responses

12 hours: 13  
24 hours: 39  
48 hours: 38  
72 hours: 15  
Other: 6

Group 1

12 hours: 6  
24 hours: 21  
48 hours: 21  
72 hours: 12  
Other: 5

Group 2

12 hours: 7  
24 hours: 18  
48 hours: 17  
72 hours: 3  
Other: 1

8. Should there be a formal process to prioritize fiscal note requests?

All Responses

Yes: 92

No: 19

Group 1

Yes: 50

No: 15

Group 2

Yes: 42

No: 4

9. In the event a formal process for prioritizing fiscal note requests was created, who should assign the priority?

All responses

Requestor/Fiscal Analyst: 43

LBO: 18

Agency: 3

Committee Chairs: 30

Other: 14

Group 1

Requestor/Fiscal Analyst: 26

LBO: 15

Agency: 3

Committee Chairs: 12

Other: 7

Group 2

Requestor/Fiscal Analyst: 17

LBO: 3

Agency: 0

Committee Chairs: 18

Other: 7

10. In the event a formal process for prioritizing fiscal note requests was created, by what criteria should fiscal note requests be prioritized?

All Responses

Hearing date: 42

Potential fiscal impact of bill: 9

Planned for presentation in House Ways and Means or Senate Finance: 12

Difficulty/complexity/agencies involved: 12

Inclusion of bill language in an omnibus finance bill: 14

Other: 20

Group 1

Hearing date: 25

Potential fiscal impact of bill: 3

Planned for presentation in House Ways and Means or Senate Finance: 8

Difficulty/complexity/agencies involved: 7

Inclusion of bill language in an omnibus finance bill: 8

Other: 12

Group 2

Hearing date: 17

Potential fiscal impact of bill: 6

Planned for presentation in House Ways and Means or Senate Finance: 4

Difficulty/complexity/agencies involved: 5

Inclusion of bill language in an omnibus finance bill: 6

Other: 8

11. The activity during the LBO Open House revealed a desire for the LBO to emphasize timeliness in its Uniform Standards and Procedures. With respect to timeliness, would managing expectations help to address timeliness concerns, or are there strategies to turn fiscal notes around more quickly?

All Responses

Managing expectations: 34

Strategies to process quicker: 10

Both: 51

Other: 10

Group 1

Managing expectations: 22

Strategies to process quicker: 5

Both: 28

Other: 6

Group 2

Managing expectations: 12

Strategies to process quicker: 5

Both: 23

Other: 4

12. What are the main contributors to the length of time it takes to complete a fiscal note? Select all that apply.

All Responses

Lack of communication between agencies: 41  
Unclear bill language: 56  
Volume of fiscal note requests: 73  
Data collection from subject matter experts: 49  
Ability to receive legislative clarification: 29  
Complexity of bill: 66  
Other: 18

Group 1

Lack of communication between agencies: 18  
Unclear bill language: 36  
Volume of fiscal note requests: 45  
Data collection from subject matter experts: 37  
Ability to receive legislative clarification: 23  
Complexity of bill: 39  
Other: 13

Group 2

Lack of communication between agencies: 23  
Unclear bill language: 20  
Volume of fiscal note requests: 28  
Data collection from subject matter experts: 12  
Ability to receive legislative clarification: 6  
Complexity of bill: 27  
Other: 5

13. Should there be a formal process for handling past due fiscal notes?

All Responses

Yes: 68  
No: 37

Group 1

Yes: 31  
No: 30

Group 2

Yes: 37  
No: 7

14. In the event that a formal process for handling past due fiscal notes is developed, what steps could the LBO take to ensure the timely completion of past due notes?

*Open-ended question – all responses*

Responses included getting an explanation from the agency, consulting committee assistants and fiscal analysts, re-prioritizing the notes, and determining whether or not the note is still needed. Some responses also recommended solving the root cause of why notes are past due; given that there are many reasons that notes go past due, respondents felt that finding out why a particular note was not complete on time is important.

15. What steps could the legislature take to manage the quantity of fiscal notes and provide as much time as possible for agencies to develop fiscal notes?

*Open-ended question – all responses*

Responses included prioritizing and managing the quantity of fiscal notes. Many responses also mentioned communication, organization, and transparency about chair priorities and hearing schedules. Finally, respondents mentioned clarification and front-end work on the part of the legislature around legislative intent that would make it as easy as possible for the agencies to complete the note. There was a general understanding that fiscal note volume in some instances cannot be mitigated.

16. Would sharing assumptions early help uncover differing interpretations of proposed legislation?

All Responses

Yes: 79

No: 6

Only for consolidated notes: 15

Group 1

Yes: 45

No: 3

Only for consolidated notes: 12

Group 2

Yes: 34

No: 3

Only for consolidated notes: 3

17. What steps should be taken to facilitate the sharing of assumptions?

All Responses

FNTS shares assumptions once entered: 22

Require submission of assumptions before full note can be completed: 8

Have an earlier due date for assumptions: 9

Provide assumptions to bill author to confirm interpretation of bill language: 36

Other: 23

Group 1

FNTS shares assumptions once entered: 18

Require submission of assumptions before full note can be completed: 6

Have an earlier due date for assumptions: 7

Provide assumptions to bill author to confirm interpretation of bill language: 10

Other: 19

Group 2

FNTS shares assumptions once entered: 4

Require submission of assumptions before full note can be completed: 2

Have an earlier due date for assumptions: 2

Provide assumptions to bill author to confirm interpretation of bill language: 26

Other: 4

18. If sharing assumptions early would extend the timely completion of the fiscal note, how should the LBO respond?

All Responses

Forego the sharing of assumptions, if doing so would compromise timeliness: 19

Prioritize sharing assumptions as something that would be more important than timeliness: 16

Allow legislators to decide in advance if assumptions should be shared on particular fiscal notes: 13

Provide a set number of days for legislators to review assumptions and to weigh in if they wish: 32

Other: 15

Group 1

Forego the sharing of assumptions, if doing so would compromise timeliness: 12

Prioritize sharing assumptions as something that would be more important than timeliness: 14

Allow legislators to decide in advance if assumptions should be shared on particular fiscal notes: 7

Provide a set number of days for legislators to review assumptions and to weigh in if they wish: 14

Other: 11

Group 2

Forego the sharing of assumptions, if doing so would compromise timeliness: 7

Prioritize sharing assumptions as something that would be more important than timeliness: 2

Allow legislators to decide in advance if assumptions should be shared on particular fiscal notes: 6

Provide a set number of days for legislators to review assumptions and to weigh in if they wish: 18

Other: 4



19. Are there circumstances under which the LBO should assist the agencies in clarifying bill language?

All Responses

Yes: 81

No: 17

Group 1

Yes: 56

No: 4

Group 2

Yes: 25

No: 13

20. In the event that a formal process by which the LBO would assist agencies in clarifying bill language is created, what role should the LBO have? Select all that apply.

All Responses

Contact bill author and requester: 68

Connect agency with appropriate legislative staff: 64

Assist in drafting clarifications to bill language: 26

Other: 13

Group 1

Contact bill author and requester: 38

Connect agency with appropriate legislative staff: 40

Assist in drafting clarifications to bill language: 18

Other: 9

Group 2

Contact bill author and requester: 30

Connect agency with appropriate legislative staff: 24

Assist in drafting clarifications to bill language: 8

Other: 4

21. Should technical issues with bill language ever be addressed in fiscal notes?

All Responses

Yes: 76

No: 21

Group 1

Yes: 52

No: 7

Group 2

Yes: 24

No: 14

22. In the event that technical issues with bill language are included in fiscal notes, how should they be presented?

All Responses

In the bill description: 14

In the assumptions: 29

As a separate check box: 42

Other: 12

Group 1

In the bill description: 9

In the assumptions: 22

As a separate check box: 21

Other: 7

Group 2

In the bill description: 5

In the assumptions: 7

As a separate check box: 21

Other: 5

23. Indirect costs are overhead costs not directly related to providing a specific service, but necessary to support the direct costs of providing that service. Examples may be shared building space, finance, accounting and human resources functions. Should indirect costs be allowed in fiscal notes?

All Responses

Yes: 71

No: 26

Group 1

Yes: 46

No: 13

Group 2

Yes: 25

No: 13

24. In the event that indirect costs are included in fiscal notes in the future, what parameters should be placed around the inclusion of indirect costs?

All Responses

Federally approved indirect rate: 12

Capped indirect rate at x%: 9

Indirect should only be allowed for costs that exceed a certain threshold: 8

Indirect costs should only be allowed if sufficient justification is included: 50

Other: 18

Group 1

Federally approved indirect rate: 9

Capped indirect rate at x%: 7

Indirect should only be allowed for costs that exceed a certain threshold: 4

Indirect costs should only be allowed if sufficient justification is included: 23

Other: 16

Group 2

Federally approved indirect rate: 3

Capped indirect rate at x%: 2

Indirect should only be allowed for costs that exceed a certain threshold: 4

Indirect costs should only be allowed if sufficient justification is included: 27

Other: 2

25. In the event that indirect costs are included in the future, how should these be presented?

All Responses

Added to main table costs: 30

Shown on a separate table: 43

In the narrative: 21

Group 1

Added to main table costs: 24

Shown on a separate table: 19

In the narrative: 14

Group 2

Added to main table costs: 6

Shown on a separate table: 24

In the narrative: 7

26. For which common fiscal note costs should standards be developed? Please select and rank all that apply, with 1 being the highest priority. If you do not think costs should be standardized in a particular category, select "N/A" – you will then not be asked to rank that category.

All Responses

Compensation: 44 first priority; 6 second priority; 6 third priority, 7 fourth priority; 9 fifth priority; 23 N/A

Studies/Reports: 10 first priority; 14 second priority; 20 third priority; 21 fourth priority; 7 fifth priority; 23 N/A

Commissions/Advisory Groups: 7 first priority; 14 second priority; 19 fourth priority; 17 fourth priority; 16 fifth priority; 22 N/A

Information/Technology Projects: 10 first priority; 32 second priority; 11 third priority; 8 fifth priority; 24 N/A

Rulemaking: 11 first priority; 14 second priority; 22 third priority; 14 fourth priority; 15 fifth priority; 18 N/A

Group 1

Compensation: 26 first priority; 4 second priority; 1 third priority; 5 fourth priority; 5 fifth priority; 16 N/A

Studies/Reports: 7 first priority; 9 second priority; 12 third priority; 12 fourth priority; 2 fifth priority; 15 N/A

Commissions/Advisory Groups: 4 first priority; 9 second priority; 16 third priority; 7 fourth priority; 5 fifth priority; 16 N/A

Information/Technology Projects: 3 first priority; 17 second priority; 7 third priority; 8 fourth priority; 4 fifth priority; 17 N/A

Rulemaking: 9 first priority; 8 second priority; 9 third priority; 8 fourth priority; 9 fifth priority; 13 N/A

Group 2

Compensation: 18 first priority; 2 second priority; 5 third priority, 2 fourth priority; 4 fifth priority; 7 N/A

Studies/Reports: 3 first priority; 5 second priority; 8 third priority; 9 fourth priority; 5 fifth priority; 8 N/A

Commissions/Advisory Groups: 3 first priority; 5 second priority; 3 fourth priority; 10 fourth priority; 11 fifth priority; 6 N/A

Information/Technology Projects: 7 first priority; 15 second priority; 4 third priority; 4 fifth priority; 7 N/A

Rulemaking: 2 first priority; 6 second priority; 13 third priority; 6 fourth priority; 6 fifth priority; 5 N/A

27. If there are other common fiscal note costs that could be standardized, please list them.

*Open-ended question – all responses*

Most respondents answered that no other fiscal note costs, beyond what was mentioned in the previous question, could be standardized and/or that costs are difficult to standardize as they vary across agencies.

28. Is there a time when a range of fiscal impact should be considered?

All Responses

Yes: 65

No: 29

Group 1

Yes: 41

No: 15

Group 2

Yes: 24

No: 14

29. Is there ever a time when a fiscal note should be required before a bill can advance?

All Responses

Yes: 55

No: 39

Group 1

Yes: 34

No: 22

Group 2

Yes: 21

No: 17

30. Should a hearing date field be added in the Fiscal Note Tracking System (FNTS) for requestors?

All Responses

Yes: 61

No: 13

No opinion: 18

Group 1

Yes: 39

No: 7

No opinion: 9

Group 2

Yes: 22

No: 6

No opinion: 9

31. Are there any ways that FNTS could be improved?

*Open-ended question – all responses*

Responses included suggestions about improving the text editor, some suggestions about search and report features, improvements to the way tables are entered and formatted, and the extension of due time to later in the day. In the second group of respondents, responses indicated changes to who can have view-only access to the system (to include committee administrators); increased note functions for the sake of transparency, and changes to the system-generated email notifications.

32. What works well in FNTS?

*Open-ended question – all responses*

Responses included the reports feature, email notifications, the inclusion of sufficient information (author name, requester name, status of notes), and overall functionality. Others mentioned the simplicity of the system, the variety of search fields, and that the system has always been responsive.

33. When a status of a fiscal note changes to either inactive or revised, should there be a field listing the reason why?

All Responses

Yes: 59

No: 33

Group 1

Yes: 29

No: 26

Group 2

Yes: 30

No: 7

34. Would additional training be helpful in your role with fiscal notes?

All Responses

Yes: 43

No: 49

Group 1

Yes: 22

No: 33

Group 2

Yes: 21

No: 16

35. If there is anything else you would like the LBO to know as we develop our Uniform Standards and Procedures, please explain in the box below.

*Open-ended question – all responses*

Responses here included that the LBO should do what it can to pursue accuracy, timeliness, and integrity in the process of analyzing fiscal notes. Respondents also expressed that the LBO should be cautious to not add more undue requirements and time to the process and a desire for the LBO to be more transparent with information back to the legislature. Other responses included a general sentiment that the fiscal note process is complicated and may suffer from standardization or formalization at certain points in the process. There was also an encouragement of the LBO to pursue building relationships now so that they are well developed by the time that the office is tasked with the oversight of fiscal notes as of September 1.