

Fiscal Note Revision

Draft Legislative Budget Office Standard and Procedure for Discussion

Standard

A Legislative Budget Office (LBO) approved fiscal note must comply with the fiscal note standards and procedures, reflecting a reasonable and objective estimate of the fiscal effect of proposed legislation. The LBO will reconsider and work with an agency to revise a fiscal note if new information is available that would provide for a more accurate 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 requestor, 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 for a revision to a fiscal note 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 put the note in a status of revision in the Fiscal Note Tracking System (FNFS).
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.

Response to Overdue Fiscal Notes

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Standard

Agencies and the Legislative Budget Office (LBO) are expected to make every effort to complete fiscal notes according to the requested due date. In cases where a fiscal note is overdue, the LBO will work with the agency and fiscal analyst to determine what is contributing to the delay and develop an approach to provide the legislature with an estimate of the fiscal effect of the proposed legislation.

Procedure

1. The LBO will monitor the completion of fiscal notes to ensure they are completed on time.
2. When a fiscal note is overdue, the LBO analyst will contact the agency to determine what is contributing to the delay and offer technical assistance to the agency on the completion of the fiscal note.
3. The LBO analyst will then contact the fiscal analyst who requested the note to determine whether or not the fiscal note is still needed, explain the circumstances contributing to the delay in the completion of the note, discuss steps necessary to complete the note and determine whether or not the due date can be extended.
4. If the LBO determines that an agency is not making a good faith effort to complete the fiscal note and the agency is not cooperating with the technical assistance being offered by the LBO, the LBO will work with the fiscal analyst to determine whether or not the committee chair and author would like to request that the LBO make an effort to determine the fiscal effect of the proposed legislation.
5. If a request is made for the LBO to determine the fiscal effect, the LBO will assess whether or not the LBO has the capacity to determine this and will inform the fiscal analyst of its ability to do so.
6. If the LBO has the capacity to determine the fiscal effect, the agency will be informed of the LBO's intention to determine the fiscal effect.
7. The LBO director will assign a LBO analyst to prepare an analysis of the fiscal effect.
8. The LBO director will assign a separate LBO analyst to review the LBO prepared analysis for compliance with standards and procedures, reasonableness and objectivity prior to transmission to the legislature.
9. The LBO prepared analysis will be posted to the LBO website within 24-hours of completion and transmission to the legislature. It will clearly indicate that it was prepared by the LBO rather than the customary practice of being prepared by the agency.