

LBO Standards and Procedures Survey, May 2019

Questions & Results Summary

1. What is your role?
 - MMB staff: 16
 - Nonpartisan legislative staff: 14
 - Agency Staff: 39
 - Other: 5

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:
 - Remain the same: 45
 - Be less than eight days: 6
 - Be greater than 8 days: 14

3. Should fiscal notes be requested without a hearing scheduled?
 - Yes: 35
 - No: 30

4. Ideally, how far in advance of a hearing should a fiscal note be requested?
 - 14 days: 24
 - 10 days: 19
 - Eight days: 11
 - Five days: 3
 - Other: 8

5. How far in advance of a hearing should a fiscal note be completed?
 - No less than two hours: 4
 - No less than four hours: 5
 - At least 8 hours: 17
 - At least one day: 40

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

7. What's a reasonable timeline for the LBO to approve the majority of fiscal notes once the agency has signed off?
 - 12 hours: 6
 - 24 hours: 21
 - 48 hours: 21
 - 72 hours: 12
 - Other: 5

8. Should there be a formal process to prioritize fiscal note requests?
Yes: 50
No: 15
9. In the event a formal process for prioritizing fiscal note requests was created, who should assign the priority?
Requestor/Fiscal Analyst: 26
LBO: 15
Agency: 3
Committee Chairs: 12
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?
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
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?
Managing expectations: 22
Strategies to process quicker: 5
Both: 28
Other: 6
12. What are the main contributors to the length of time it takes to complete a fiscal note? Select all that apply.
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
13. Should there be a formal process for handling past due fiscal notes?
Yes: 31
No: 30

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

Responses included suggestions about reaching out to fiscal analysts to investigate whether a note is still needed, contacting the agency to identify where further clarification may be necessary, and generally focusing on solving the root cause of why notes are past due. Responses suggested that there are varied reasons that notes go past due, and finding out the reason for a particular note should be the focus.

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

The responses to this question included suggestions about focusing on communication to better understand priorities, giving more advanced notice as is possible on fiscal notes before hearing dates and ensuring clear bill language on all bills. There was a general understanding that fiscal note volume in some cases cannot be mitigated.

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

Yes: 45

No: 3

Only for consolidated notes: 12

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

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

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

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

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

Yes: 56

No: 4

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.
- Contact bill author and requester: 38
 - Connect agency with appropriate legislative staff: 40
 - Assist in drafting clarifications to bill language: 18
 - Other: 9
21. Should technical issues with bill language ever be addressed in fiscal notes?
- Yes: 52
 - No: 7
22. In the event that technical issues with bill language are included in fiscal notes, how should they be presented?
- In the bill description: 9
 - In the assumptions: 22
 - As a separate check box: 21
 - Other: 7
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?
- Yes: 46
 - 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?
- 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
25. In the event that indirect costs are included in the future, how should these be presented?
- Added to main table costs: 24
 - Shown on a separate table: 19
 - In the narrative: 14

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.

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

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

Open-ended question

Generally, respondents feel that the list provided in the preceding question was sufficient and/or that costs are difficult to standardize as they vary across agencies. A few mentioned costs included extending an advisory council and contracts.

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

Yes: 41

No: 15

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

Yes: 34

No: 22

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

Yes: 39

No: 7

No opinion: 9

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

Open-ended question

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 extension of due time to later in the day.

32. What works well in FNTS?

Open-ended question

Responses included the reports feature, email notifications, the inclusion of sufficient information (author name, requestor name, status of notes), and overall functionality.

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

Yes: 29

No: 26

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

Yes: 22

No: 33

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

Responses here included a general sentiment that the fiscal note process is complicated and may suffer from standardization or formalization at certain points in the process. Respondents also encouraged the LBO to focus on building relationships now so that they are developed by the time we are tasked with this work on September 1st.