



Classified Unofficial Fiscal Note Policy

From Minnesota Management and Budget, State of Minnesota

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Policy Statement

Classified unofficial fiscal notes (M.S. 13.64, subd. 3) serve an important role in developing and improving legislative proposals and providing reliable information to the legislature. This policy exists to ensure the process works effectively for both legislative and executive branch stakeholders and to support the shared goal for all fiscal notes to be prepared in a consistent, accurate and timely fashion. This policy sets forth executive branch requirements to ensure the legislature receives high-quality information from state agencies.

Executive branch agencies are required to share classified unofficial fiscal note information with their assigned Executive Budget Officer (EBO) at Minnesota Management and Budget (MMB) when a classified unofficial fiscal note is requested by a member of the legislature. Pursuant to this policy, classified unofficial fiscal notes and related data are not public data under the Minnesota Government Data Practices Act, and the EBO will limit disclosure of the data. Classified unofficial fiscal note data will not be shared with MMB assistant commissioners, deputy commissioners or the commissioner.

Reason for the policy

State law designates the Commissioner of Management and Budget as the state's controller and chief accounting and financial officer. MMB must ensure that enacted budgets are balanced, as required by the state's constitution, and proposed budgetary changes are tracked and estimated responsibly.

MMB will engage strategically in partnership with agencies early in fiscal note development, including classified unofficial fiscal notes, to ensure critical assumptions and calculations are vetted, agreed upon and consistent across the executive branch. This engagement is intended to ensure the legislature receives accurate and consistent fiscal information from the executive branch.

Roles & Responsibilities

1. When an agency becomes aware that a classified unofficial fiscal note has been requested, the agency will promptly inform their EBO that the note was requested, as well as provide the bill language.
 - Depending on the complexity of the note, the EBO may alert their team leader for assistance in coordinating a review and response.
 - The EBO and/or team leader will not share classified unofficial fiscal note information or bill language with MMB assistant commissioners, deputy commissioners or the commissioner.
2. As soon as practicable, the EBO will review the bill language and may discuss with the agency the potential fiscal note assumptions and calculations, highlighting any technical or fiscal concerns with the agency's assumptions or calculations. The EBO may also flag if other agencies or interactions are missing from the analysis and/or fiscal note. The EBO may help coordinate assumptions across agencies when necessary.
3. Whenever possible, the EBO and the agency should collaborate as the note is being prepared, rather than at the end of the process after the agency has completed the note, so that the EBO's feedback can be incorporated as necessary without slowing down the completion of the note.
4. Agencies will provide the EBO with a copy of the final fiscal note when it is completed.

Applicability

This policy applies to all departments, agencies, offices, councils, boards, commissions and other entities in the executive branch of Minnesota State Government.

Authority

Per M.S. 16A.01, the commissioner of MMB "is the state's controller and chief accounting and financial officer."

Per M.S. 15.08, the commissioner of MMB "shall have free access to the records of all state departments and agencies."

Per M.S. 16A.06, subd. 7, the commissioner of MMB "shall obtain from an executive agency any information needed to make state financial policy."

Per M.S. 16A.055, subd. 1(a)(2), the commissioner of MMB shall "manage the state's financial affairs."

Per M.S. 16A.055, subd. 3, "An agency must give the commissioner or a designee of the commissioner free access to its financial documents."

Per M.S. 16A.055, subd. 4, the commissioner of MMB "may assign a designee to an agency to monitor its financial activities and to ensure compliance with statutes and administrative requirements promulgated by the commissioner. The designee may assist the agency as the commissioner considers appropriate."

Per M.S. 13.05, subd. 9, a state agency may disseminate not public data to another state agency “when the access is authorized or required by statute or federal law.”

Per M.S. 13.03, subd. 4(c), “To the extent that government data are disseminated to a government entity by another government entity, the data disseminated shall have the same classification at the entity receiving them as they had at the entity providing them.”

Contact

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