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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2399

03/25/2021 Authored by Noor
The bill was read for the first time and referred to the Committee on State Government Finance and Elections
02/15/2022 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to state government; expanding the authority of the Legislative Budget
1.3 Office to order fiscal notes; modifying the Legislative Budget Office Oversight
1.4 Commission; changing data classifications for data related to fiscal notes; modifying
1.5 the treatment of unofficial fiscal notes; amending Minnesota Statutes 2020, sections
1.6 3.8853, by adding a subdivision; 3.8854; 3.98, subdivision 1; 13.64, subdivisions
1.7 3, 4.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2020, section 3.8853, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 4a. Access to data and employees. Upon request of the director of the Legislative
1.12 Budget Office, the head or chief administrative officer of each department or agency of
1.13 state government, including the supreme court, must permit reasonable access to data and
1.14 employees with subject matter expertise to assist the Legislative Budget Office prepare and
1.15 review fiscal notes or enacted legislation.

1.16 Sec. 2. Minnesota Statutes 2020, section 3.8854, is amended to read:

1.17 3.8854 LEGISLATIVE BUDGET OFFICE OVERSIGHT COMMISSION.

1.18 (a) The Legislative Budget Office Oversight Commission consists of:

1.19 (1) two members of the senate appointed by the senate majority leader;

1.20 (2) two members of the senate appointed by the senate minority leader;

1.21 (3) two members of the house of representatives appointed by the speaker of the house;

1.22 and

2.1 (4) two members of the house of representatives appointed by the minority leader.

2.2 The director of the Legislative Budget Office is the executive secretary of the commission.

2.3 The chief nonpartisan fiscal analyst of the house of representatives, the lead nonpartisan
2.4 fiscal analyst of the senate, the commissioner of management and budget or a designee, and
2.5 the legislative auditor are ex-officio, nonvoting members of the commission.

2.6 (b) Members serve at the pleasure of the appointing authority, or until they are not
2.7 members of the legislative body from which they were appointed. Appointing authorities
2.8 shall fill vacancies on the commission within 30 days of a vacancy being created.

2.9 (c) The commission shall meet in January of each odd-numbered year to elect its chair
2.10 and vice-chair. They shall serve until successors are elected. The chair and vice-chair shall
2.11 alternate biennially between the senate and the house of representatives with the chair elected
2.12 from the majority party. The chair and vice-chair may not be member of the same political
2.13 party. The commission shall meet at the call of the chair. The members shall serve without
2.14 compensation but may be reimbursed for their reasonable expenses consistent with the rules
2.15 of the legislature governing expense reimbursement.

2.16 (d) The commission shall review the work of the Legislative Budget Office and make
2.17 recommendations, as the commission determines necessary, to improve the office's ability
2.18 to fulfill its duties, and shall perform other functions as directed by this section, and sections
2.19 3.8853 and 3.98.

2.20 Sec. 3. Minnesota Statutes 2020, section 3.98, subdivision 1, is amended to read:

2.21 Subdivision 1. **Preparation; duties.** (a) The head or chief administrative officer of each
2.22 department or agency of the state government, including the supreme court, shall prepare
2.23 a fiscal note consistent with the standards and procedures adopted under section 3.8853, at
2.24 the request of the chair of the standing committee to which a bill has been referred, or the
2.25 chair of the house of representatives Ways and Means Committee, or the chair of the senate
2.26 Committee on Finance, and as assigned by the director of the Legislative Budget Office.
2.27 The Legislative Budget Office may prepare a fiscal note if an agency does not comply with
2.28 this subdivision.

2.29 (b) For purposes of this subdivision, "supreme court" includes all agencies, committees,
2.30 and commissions supervised or appointed by the state supreme court or the state court
2.31 administrator.

3.1 Sec. 4. Minnesota Statutes 2020, section 13.64, subdivision 3, is amended to read:

3.2 Subd. 3. **Unofficial fiscal note.** (a) For purposes of this subdivision, "unofficial fiscal
3.3 note" means a fiscal note requested by or on behalf of a member of the legislature on draft
3.4 language for a bill that has not been introduced. Unofficial fiscal notes are public data unless
3.5 a classification under paragraph (b) applies.

3.6 (b) This paragraph applies if a request for an unofficial fiscal note is accompanied by a
3.7 directive from the requester that the data be classified under this ~~paragraph~~ subdivision.
3.8 Government data on the request, the bill draft, and the unofficial fiscal note are private data
3.9 on individuals or nonpublic data, ~~provided~~ except that the data are accessible to, and may
3.10 be disclosed by, the requester. If the proposed bill draft used to develop the unofficial fiscal
3.11 note or an updated version is subsequently used for an introduced bill, or any legislation,
3.12 including an amendment or a proposed bill, that any member of the legislature offers for
3.13 consideration by a legislative committee introduced as a bill, included in an introduced bill,
3.14 offered as an amendment, or otherwise distributed at a public meeting or event, or if an
3.15 unofficial fiscal note is distributed at a public meeting or event, the fiscal note becomes
3.16 public data.

3.17 (c) An agency must not share data that is classified under this subdivision as nonpublic
3.18 data or private data on individuals with another agency without authorization from the bill
3.19 author, as obtained from the director of the Legislative Budget Office. This paragraph
3.20 supersedes any authorization to share data with the commissioner of management and budget
3.21 under section 15.08 or 16A.06, subdivision 7, or other applicable law.

3.22 Sec. 5. Minnesota Statutes 2020, section 13.64, subdivision 4, is amended to read:

3.23 Subd. 4. **Fiscal note data must be shared with Legislative Budget Office.** A head or
3.24 chief administrative officer of a department or agency of the state government, including
3.25 the supreme court, must provide data that are used to prepare a fiscal note or for the
3.26 Legislative Budget Office to review the accuracy of fiscal notes on enacted legislation,
3.27 including data that are not public data under this section to the director of the Legislative
3.28 Budget Office upon the director's request and consistent with section 3.8853, subdivision
3.29 4, unless there are federal laws or regulations that prohibit the provision of the not public
3.30 data for this purpose. The data must be supplied according to any standards and procedures
3.31 adopted under section 3.8853, subdivision 3, including any standards and procedures
3.32 governing timeliness. Notwithstanding section 13.05, subdivision 9, a responsible authority
3.33 may not require the Legislative Budget Office to pay a cost for supplying data requested
3.34 under this subdivision.