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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

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; changing data classifications for data related to fiscal  
1.4 notes; modifying the treatment of unofficial fiscal notes; amending Minnesota  
1.5 Statutes 2020, sections 3.8853, by adding a subdivision; 3.98, subdivision 1; 13.64,  
1.6 subdivisions 3, 4.

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

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

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

1.15 Sec. 2. Minnesota Statutes 2020, section 3.98, subdivision 1, is amended to read:

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

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

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

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

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

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

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

Subd. 4. **Fiscal note data must be shared with Legislative Budget Office.** A head or chief administrative officer of a department or agency of the state government, including the supreme court, must provide data that are used to prepare a fiscal note or for the Legislative Budget Office to review the accuracy of fiscal notes on enacted legislation, including data that are not public data under this section to the director of the Legislative Budget Office upon the director's request and consistent with section 3.8853, subdivision 4, unless there are federal laws or regulations that prohibit the provision of the not public data for this purpose. The data must be supplied according to any standards and procedures

- 3.1 adopted under section 3.8853, subdivision 3, including any standards and procedures
- 3.2 governing timeliness. Notwithstanding section 13.05, subdivision 9, a responsible authority
- 3.3 may not require the Legislative Budget Office to pay a cost for supplying data requested
- 3.4 under this subdivision.