
Unofficial Fiscal Notes Classified as Nonpublic Data

The legislature may request a fiscal note on draft bill language that has not been introduced (an unofficial fiscal note) and direct the unofficial fiscal note to be classified as nonpublic data under the Government Data Practices Act (Minnesota Statutes Chapter 13). When such a request is made, under Minnesota Statutes §13.64, subd. 3(b), all data on the fiscal note request, the bill draft, and the unofficial fiscal note are private data on individuals or nonpublic data.

The Fiscal Note Tracking System (FNTS) designates such requests “Classified Unofficial” fiscal notes. When legislative staff enters this type of note request in FNTS, the system automatically assigns a bill number and applies security settings that restrict the FNTS users who can view the request and unofficial fiscal note document in the system. Only the legislative user who enters the request, MMB Budget Planning & Operations staff and Executive Budget Officers, and the assigned agency’s users with signoff authority will be able to access information on the unofficial fiscal note in FNTS.

While FNTS limits access to information on Classified Unofficial fiscal notes collected in the system, agencies assigned to a classified note must ensure that all internal and external communications concerning the note comply with the Government Data Practices Act. As a rule of thumb, agencies can only share nonpublic data with staff whose work assignment reasonably requires they have access to it. When multiple agencies are assigned to a Classified Unofficial fiscal note (consolidated fiscal note) the agencies may share information with one another in order to complete the unofficial fiscal note.

When a Classified Unofficial fiscal note is completed, FNTS will send an email notification to the legislative requester, the assigned agency coordinator, and the EBO. Unofficial fiscal notes classified as nonpublic are not published on the MMB website. An unofficial fiscal note becomes public data (but not the data about the request or the unofficial bill language) if 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. (Minn. Stat. §13.64, subd.3(b)).