

Guide to Fiscal Notes Instructions for Legislative Committees

Following the Legislative and Fiscal Notes Processes and Using the Fiscal Notes System



Guide to Fiscal Notes

Instructions for Legislative Committees

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INTRODUCTION

State statute requires a fiscal note be prepared and accompany a bill or joint resolution as it goes through the legislative process. A fiscal note is a written estimate of the costs, savings, revenue gain, or revenue loss that may result from implementation of requirements in a bill or joint resolution. It serves as a tool to help legislators better understand how a bill might impact the state budget as a whole, individual agencies, and in some instances, local governments. The Legislative Budget Board (LBB) does not prepare fiscal notes for simple or concurrent resolutions, only for bills and joint resolutions.

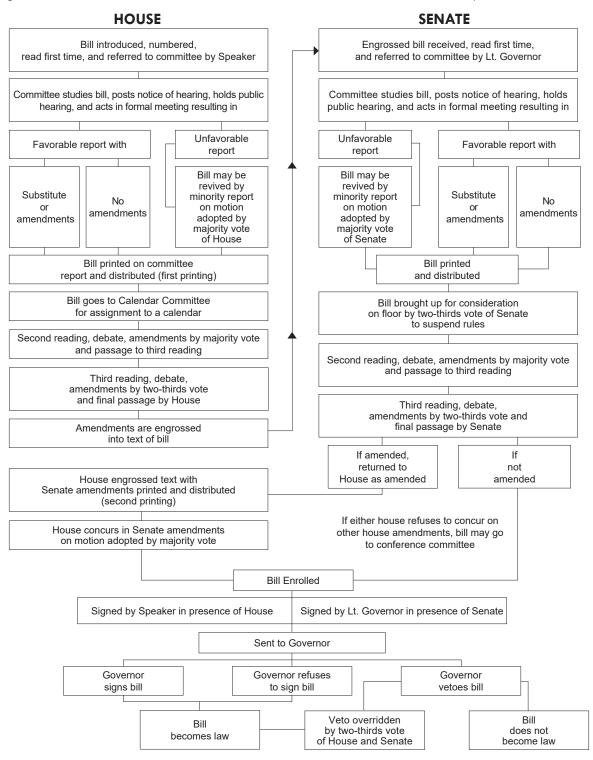
The LBB gathers impact data for fiscal notes from state agencies through a web-based fiscal note system (FNS). Part I of this manual is designed to assist committee clerks in following the legislative and fiscal notes processes. Part II provides instructions for committee clerks for preparing cost estimates and on how to use the FNS. A list of LBB fiscal note coordinators and their telephone numbers is provided in Part III.

PART I: FOLLOWING THE LEGISLATIVE AND FISCAL NOTES PROCESSES

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BASIC STEPS IN THE TEXAS LEGISLATIVE PROCESS

This diagram displays the sequential flow of a bill from the time it is introduced in the House of Representatives to final passage and transmittal to the Governor. A bill introduced in the Senate would follow a similar procedure in reverse.



STAGES OF A BILL

A fiscal note is required for a bill before it can be considered in a House committee or before it can be voted out of a Senate committee. A fiscal note is prepared for each version of a bill, unless there are no changes from one version to the next.

INTRODUCED/FILED

This is the version that is introduced to the legislature and referred to committee before any other actions occur.

AS AMENDED

This is an amended version of the introduced bill. The amendments are attached on a separate sheet. If the amendments are incorporated into the bill text, the bill will be designated as a committee substitute.

COMMITTEE SUBSTITUTE

This is a replacement for the introduced version and is distinguished with the prefix "CS" placed directly before the normal prefix. For example, "CSHB5" would designate the Committee Substitute for House Bill 5.

COMMITTEE REPORT

In addition to the fiscal note, the committee report includes a record of the committee's vote on the bill, the text of the bill as reported by the committee, a detailed bill analysis, an impact statement (if required), and other attachments as necessary.

FLOOR AMENDMENTS

These are amendments made on the floor of the originating chamber (House amendments for House bills, Senate amendments for Senate bills) and generally can be obtained most quickly from the House or Senate journal, respectively.

ENGROSSED

This version incorporates all changes made to the proposed legislation when it is passed by the chamber in which it originated. The clerk should examine the floor amendments to determine if the engrossed version differs from the version reported out of committee, because the amendments are incorporated into the bill text, and request an updated fiscal note.

AS AMENDED, SECOND HOUSE

This is a version of the bill as engrossed by the first chamber, amended in committee in the second house. The amendments are attached on a separate sheet. If the amendments are incorporated into the bill text, the bill will be designated as a committee substitute.

COMMITTEE SUBSTITUTE, SECOND HOUSE

This is a replacement of the bill as engrossed by the first chamber and is distinguished with the prefix "CS" placed directly before the normal prefix. For example, "CSHB5" would designate the Committee Substitute for House Bill 5.

COMMITTEE REPORT, SECOND HOUSE

In addition to the fiscal note, committee voting report, attached amendments (if any), and bill analysis, the committee report includes the bill as reported out of the committee in the second chamber. This may be the engrossed version, a completely new version (Committee Substitute), or an amended version of the engrossed version.

FLOOR AMENDMENTS, SECOND HOUSE

"As Passed Second House." These are amendments adopted on the floor of the second chamber and can be obtained from the chamber's journal or the Texas Legislature Online (TLO) website. It is necessary to examine the floor amendments to determine if they change the fiscal implication from the version reported out of committee, second house, because the amendments are incorporated into the bill text.

CONFERENCE COMMITTEE REPORT

When the originating chamber refuses to concur with amendments made by the second chamber, a conference committee is formed to resolve the differences. When and if differences are resolved, a conference committee report incorporating the changes made by the committee is printed.

Under Senate rules, if a bill is sent to a conference committee, the chair of the Senate conferees must request an updated fiscal note unless the report is the engrossed text of either the House or Senate version to which a fiscal note is already attached. The fiscal note is required before adoption of the committee report by the full Senate.

House rules require that a fiscal note on a conference committee report must be submitted to the chief clerk in the House before adoption.

FISCAL NOTES RULES AND REQUIREMENTS

FISCAL NOTE DEFINITION

A fiscal note is a written estimate of the costs, savings, revenue gain, or revenue loss that may result from implementation of a bill or joint resolution. It serves as a tool to help legislators better understand how a bill might impact the state budget as a whole, individual agencies, and in some instances, local governments. The Legislative Budget Board (LBB) does not prepare fiscal notes for simple or concurrent resolutions.

LEGAL BASIS, RULES, AND REQUIREMENTS

The LBB is directed by Section 314.001 of the Texas Government Code, as enacted by the Sixty-third Legislature, Regular Session, 1973 to establish a system of fiscal notes identifying the probable impact of each bill or resolution that authorizes or requires the expenditure or diversion of any state funds for any purpose other than those provided for in the general appropriations bill.

The statute requires that the fiscal impact be projected for the five-year period that begins on the effective date of the bill or resolution and shall state whether or not the impact will continue thereafter. The director of the LBB may choose to project the fiscal impact beyond the five-year period. In addition to the estimate, the fiscal note identifies the portions of the bill that would create the fiscal impact.

The statute also requires a fiscal note for any bill or joint resolution that would have statewide impact on all units of government of the same type or class, such as all cities or all counties. For example, a bill that would authorize or require the expenditure of local funds or propose an increase, decrease, or new local tax, fee, license charge or penalty would require a fiscal note.

HOUSE RULES

House rules require that any bill or joint resolution that authorizes or requires the expenditure or diversion of any state funds for any purpose, or that has a statewide impact on units of local government of the same type or class and that authorizes or diverts local funds or fees, must have attached a fiscal note signed by the director of the Legislative Budget Board. Under House rules, a fiscal note, when required, must be distributed to committee members before a bill is laid out before a committee.

EXCERPTS FROM HOUSE RULES RELATING TO FISCAL NOTES, RULE 4, SECTION 33. FISCAL NOTES

(a) If the chair of a standing committee determines that a bill or joint resolution, other than the general appropriations bill, authorizes or requires the

- expenditure or diversion of state funds for any purpose, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a fiscal note outlining the fiscal implications and probable cost of the measure.
- (b) If the chair of a standing committee determines that a bill or joint resolution has statewide impact on units of local government of the same type or class and authorizes or requires the expenditure or diversion of local funds, or creates or impacts a local tax, fee, license charge, or penalty, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a fiscal note outlining the fiscal implications and probable cost of the measure.
- (c) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. If the director determines that the fiscal implications of the measure cannot be ascertained, the director shall so state in the fiscal note, in which case the fiscal note shall be in full compliance with the rules. If the director of the Legislative Budget Board is unable to acquire or develop sufficient information to prepare the fiscal note within 15 days of receiving the measure from the chair of a committee, the director shall so state in the fiscal note, in which case the note shall be in full compliance with the rules.
- (d) If the chair determines that a fiscal note is required, copies of the fiscal note must be distributed to the members of the committee not later than the first time the measure is laid out in a committee meeting. The fiscal note shall be attached to the measure on first printing. If the measure is amended by the committee so as to alter its fiscal implications, the chair shall obtain an updated fiscal note, which shall also be attached to the measure on first printing.
- (e) All fiscal notes shall remain with the measure throughout the entire legislative process, including submission to the governor.

EXPLANATORY NOTES (PART OF RULES)

It is current practice that a senate fiscal note may be used by a house committee for a senate measure if the measure has not been amended since the preparation of that fiscal note. If the measure has been amended since the senate fiscal note

FISCAL NOTES RULES AND REQUIREMENTS

was prepared, the chair of the house committee should request a new fiscal note from the Legislative Budget Board.

RULE 4 SECTION 32 (b) (5)

- (b) All committee reports must be in writing and shall:
 - (5) indicate whether a copy of a bill or resolution was forwarded to the Legislative Budget Board for preparation of a fiscal note or other impact statement, if applicable.

RULE 12 SECTION 1 (a) (1) (E)

Section 1. Printings of Bills and Joint Resolutions —

- (a) Except as otherwise provided in this rule, all bills and joint resolutions shall be printed and a copy provided to each member at each of the following stages in the parliamentary progress of the bill or joint resolution:
 - (1) at the time of the committee report on the bill or joint resolution, which shall be known as "First Printing" and which shall consist of:
 - (E) a copy of the latest fiscal note.

RULE 2 SECTION 1 (a) (16)

(a) The chief clerk shall also: (16) request fiscal notes on house bills and joint resolutions with senate amendments and distribute fiscal notes on house bills and joint resolutions with senate amendments and conference committee reports as required by Rule 13, Sections 5 and 10.

RULE 13 SECTION 5 (b)

(b) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Legislative Budget Board to prepare a fiscal note outlining the fiscal implications and probable cost of the measure as impacted by the senate amendments. A copy of the fiscal note shall be made available to each member before any action can be taken on the senate amendments by the house.

RULE 13 SECTION 10 (c)

(c) Before action can be taken by the house on a conference committee report on a bill or joint resolution, other than the general appropriations bill, a fiscal note outlining the fiscal implications and probable cost of the conference committee report shall be submitted to the chief clerk, and a copy of the fiscal note shall be made available to each member.

SENATE RULES

Senate rules require fiscal notes for all bills and joint resolutions. Senate rules allow a bill to be heard without a fiscal note; however, the fiscal note must be distributed before a final vote on the measure can be taken.

EXCERPTS FROM SENATE RULES RELATING TO FISCAL NOTES, RULE 7.09 (b-h) FISCAL NOTES

- (b) Prior to a final vote by a committee to report any bill or joint resolution, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board.
- (c) If a bill or joint resolution is amended by a committee, the committee chair shall obtain an updated fiscal note. The chair may require that the updated fiscal note be distributed to the committee members prior to the final vote to report the measure.
- (d) Prior to a motion to concur in House amendments, an updated fiscal note shall be distributed to all members if the director of the Legislative Budget Board determines that a House floor amendment has altered the policy implications of the bill or resolution, except the general appropriations bill.
- (e) An updated fiscal note shall be distributed to all members prior to a motion to adopt a conference committee report on any bill or joint resolution, other than the general appropriations bill; provided that an updated fiscal note is not required on a conference committee report if the text of the report is the engrossed text of either the House or Senate version and the report has attached a fiscal note outlining the fiscal implications of that version of the measure.
- (f) A fiscal note for a bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose shall estimate the fiscal implications and probable cost of the measure each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.
- (g) A fiscal note for any bill or joint resolution which imposes, increases, decreases, or repeals any state tax or fee shall estimate the fiscal implications of the measure for the first five years after the implementation of its provisions and state whether there will be fiscal implications thereafter. The committee chair to which

FISCAL NOTES RULES AND REQUIREMENTS

- the bill or resolution was referred may request the director of the Legislative Budget Board to include with the fiscal note a tax equity note estimating the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.
- (h) A fiscal note for any bill or joint resolution which has impact on units of local government of the same type or class shall estimate the fiscal implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. As used in this rule, "unit of local government" means county, city, town, school district, conservation district, hospital district, or any other political subdivision or special district.

RULE 7.09 (q-t)

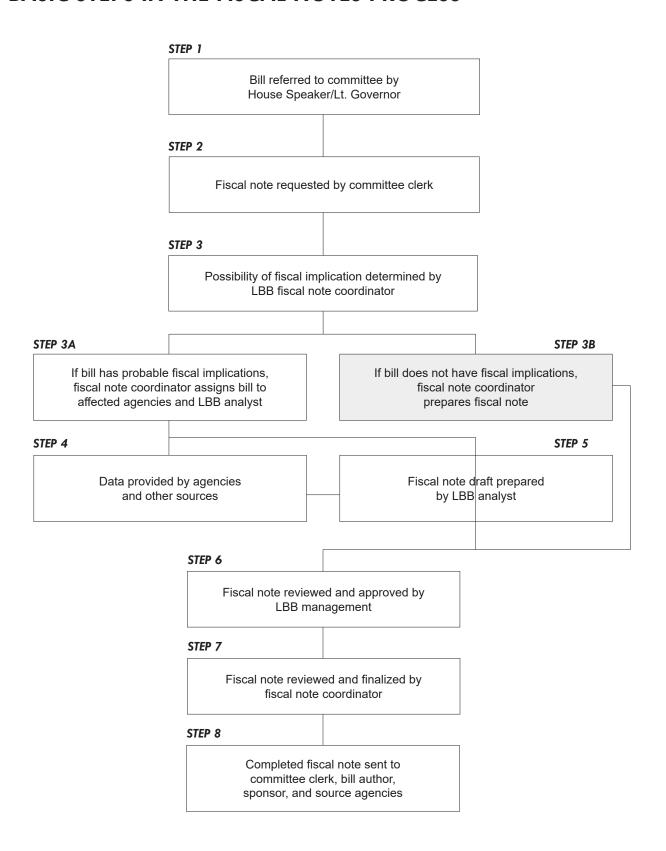
- (q) In preparing a fiscal note or an impact statement, the director of the Legislative Budget Board may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. The director shall state the sources of information or data used and may state the extent to which the director relied on the information or data in preparing the fiscal note or impact statement. If the director is unable to acquire or develop sufficient information to prepare a fiscal note within 15 days after receiving a bill or joint resolution, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules. If the director determines that the fiscal or other implications of a bill or joint resolution cannot be ascertained, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules.
- (r) The director of the Legislative Budget Board shall forward a copy of each fiscal note or impact statement to the author or sponsor of the affected bill or joint resolution.
- (s) All fiscal notes and impact statements shall be signed by the director of the Legislative Budget Board and shall remain with the measure throughout the entire legislative process, including submission to the Governor.
- (t) For any statement or analysis required by this rule, the Senate Committee on Administration may adopt such

necessary forms and procedures as are required to ensure that all members of the Senate are informed as to the impact of proposed legislation on the state or other unit of government. The committee may authorize the director of the Legislative Budget Board to develop the format for fiscal notes and impact statements and submit the suggested forms to the committee for its approval.

RULE 7.12 (b) (5)

- (b) Every committee report printing on a bill or resolution shall include:
 - (5) any fiscal note on the bill or resolution, including any updated fiscal note required by Rule 7.09.

BASIC STEPS IN THE FISCAL NOTES PROCESS



BASIC STEPS IN THE FISCAL NOTES PROCESS

STEP 1

Bill is referred to committee by the house speaker or the lieutenant governor.

STEP 2

Soon after a bill is referred to committee, the committee clerk, acting on behalf of the committee chair, electronically requests a fiscal note from the LBB via the web-based fiscal note system. It is the committee's responsibility to request fiscal notes on any bill that meets the criteria specified in the House and Senate rules. Requests should be made as soon as possible after referral to ensure that LBB staff have sufficient time to produce an estimate.

Once a fiscal note request is made, the web-based fiscal note system routes the request to the LBB fiscal note coordinator assigned as liaison to the committee.

STEP 3

When a fiscal note request is received by the LBB, the fiscal note coordinator determines, with assistance from affected analysts, whether a bill would have fiscal implications.

STEP 3A

If the bill is likely to have fiscal implications, the coordinator assigns the request to affected agencies and the appropriate LBB analyst(s). An electronic copy of the bill, along with a request for assistance in making the cost estimate, is sent to each affected agency and LBB analyst via the LBB's webbased fiscal note system.

Note: Immediately prior to the start of the legislative session, the director of each state agency is asked to name an agency contact who will be responsible for receiving fiscal note requests from the LBB and providing timely responses. Each agency will be able to download *Guide to Fiscal Notes* from the LBB website.

STEP 3B

If it appears that the bill would have no fiscal implication (NFI), the process skips to Step 6.

STEP 4

Agencies respond to the LBB with a brief fiscal analysis of the bill, focusing on the anticipated changes in agency programs and/or operations that would be necessary if the bill were implemented. The agency reports to the LBB detailed explanation of both the bill's fiscal impact and the method of finance. **Agency estimates exclude costs caused by inflation** so that the fiscal implications resulting from proposed legislation can be more accurately identified.

Agency estimates include only direct impacts; secondary impacts are excluded from fiscal note estimates. For example, a provision that requires all young children to be immunized at a state cost of \$1 per child (the direct cost/fiscal implication) may possibly reduce future state expenditures on treatment for disease (a secondary fiscal implication). In this example, only the \$1 cost per immunization is included in the estimate.

STEP 5

The LBB analyst considers all information submitted by the affected agencies and other sources in producing an accurate estimate. A worksheet is completed and the analyst creates a draft fiscal note.

STEP 6

The draft fiscal note is reviewed by the analyst's manager for approval.

STEP 7

Once the draft fiscal note is approved it is sent to the coordinator to finalize, and then sent to the LBB director to approve; the rules provide that the LBB director is responsible for all fiscal note estimates. LBB estimates may agree or differ with information provided by state agencies.

STEP 8

Once a fiscal note is completed and approved by the Director, the fiscal note coordinator sends it electronically to the clerk of the committee that made the request, the author/sponsor of the bill, and source agencies.

In most instances, Steps 2 through 8 are repeated each time the bill is changed by a committee or on the floor of either chamber.

If the bill is amended or substituted in the committee to which it was initially referred, the committee clerk, acting on behalf of the committee chair, needs to request an updated fiscal note for the amended/substituted bill.

IMPACT STATEMENTS

In addition to the preparation of fiscal notes, House and Senate Rules direct the LBB to prepare several types of impact statements. Each statement provides specific information (described below) not contained in the corresponding fiscal note.

Under Senate rules, the director of the LBB determines whether an impact statement is required. Under House rules, the committee chair makes that determination. Other differences between the Senate and House rules are noted below.

➤ Updates to Fiscal Notes and Impact Statements.

Any time a bill is changed (amended, substituted, etc.), there is a requirement that the fiscal note be updated. If an impact statement was prepared for the introduced version of the bill, there is also a requirement that the impact statement be updated each time the bill is changed.

HOUSE AND SENATE IMPACT STATEMENTS

ACTUARIAL IMPACT STATEMENT

Provides estimates of proposed legislative changes in public pension funds. Prior to the Seventy-fourth Legislative Session, 1995, similar impact statements were prepared by the Pension Review Board. Subsequently, the LBB assumed ultimate responsibility for the production of these impact statements, although the Pension Review Board remains an important source of information.

- ➤ Requested by the House only if legislation would affect the financing, membership, or benefits of a pension plan.
- ➤ Prepared for Senate bills if the LBB determines the legislation would affect the financing, membership, or benefits of a pension plan.

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

Provides estimates of proposed legislative changes in prison capacity. These impact statements are necessary if a bill changes sanctions applicable to adults convicted of felony crimes. Under Senate rules, these impact statements would also apply to juvenile justice bills.

- Requested by the House only if a provision of the bill would change sanctions applicable to adults convicted of a felony crime.
- ➤ Prepared for Senate bills if the LBB determines that the bill would change sanctions applicable to adults convicted of a felony crime or would apply to juveniles who have been adjudicated for misdemeanor or felony conduct.

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

Provides an analysis of the equity implications associated with a proposed legislative change in state aid to school districts under the Foundation School Program.

- ➤ Requested by the House only if a bill proposes to change the school funding formulas.
- ➤ Prepared for Senate bills if the LBB determines the bill would change the school funding formulas.

HIGHER EDUCATION IMPACT STATEMENT

Provides an estimate of the implications resulting from creating or changing the classification, mission, or governance of an institution of higher education.

➤The director of the LBB will request this only if a bill proposes to establish a new institution of higher education, open graduate programs at institutions that heretofore have been only undergraduate institutions, convert two-year colleges into four-year colleges, or move one institution from one university system to another. (Only required by Senate Rules.)

OPEN GOVERNMENT IMPACT STATEMENT

Estimates the impact of proposed policy changes on public access to government information or to the transaction of public business.

The director of the LBB will request this only if provisions of the bill would reduce public access to government records and meetings. (Only required by Senate Rules.)

TAX/FEE EQUITY NOTES1

Provides an analysis of how a proposed increase/decrease in taxes/fees affects taxpayers in the state. It calculates both the initial impact and the final impact.

➤ Requested only if a statewide tax or fee is affected. For House and Senate bills, the committee chair determines whether to request this.

¹Supplemental Information Regarding Economic Effects of Tax Changes is provided by the LBB upon request. These statements are prepared by the Comptroller of Public Accounts.

IMPACT STATEMENTS

WATER DEVELOPMENT POLICY IMPACT STATEMENT

Provides estimates of changes resulting from the creation of water districts under provisions of Article XVI, Section 59 of the Texas Constitution. The Water Development Board and the Texas Commission on Environmental Quality are an important source of information in preparing these documents.

➤ Requested only if a bill is affected by Article XVI, Section 59 of the Texas Constitution.

(Only required by House Rules; however, if a House bill is changed in the Senate and an impact statement had been created when the bill was in the House, the LBB should request an updated impact statement.)

FREQUENTLY ASKED QUESTIONS

Q. Who can request a fiscal note?

A. Under House rules, the committee chair is responsible for requesting a fiscal note, although the committee clerk, acting on behalf of the committee chair, usually carries out the actual request. Senate rules require fiscal notes for all bills; these are requested by committee clerks. There is no formal procedure in the rules for fiscal note requests other than those from a committee. An author or sponsor is not authorized to request a fiscal note unless he or she is the chair of the committee to which that bill is referred.

➤ See information under Conference Committee Report subheading on page 3 of this document for special provisions relating to requesting a fiscal note for a conference committee report.

Q. Can a fiscal note be requested on bills not formally amended and substituted?

A. A fiscal note may only be requested at those points in the legislative process laid out in the House and Senate rules.

Under House rules, a committee chair requests a fiscal note on bills or joint resolutions which authorize or require the expenditure or diversion of any state funds for any purpose, or which have a statewide impact on units of local government of the same type or class and that authorize or divert local funds or fees. The committee chair requests an updated fiscal note if the legislation is amended in committee and may request a fiscal note on any Senate bill or joint resolution referred to a House committee.

Under Senate rules, fiscal notes are required for all bills (except the General Appropriations Bill) and joint resolutions prior to a final committee vote. The committee chair requests an updated fiscal note if the legislation is amended in committee. An updated fiscal note is also required prior to a motion to concur with House amendments if the director of the LBB determines that one is necessary.

Q. Does the LBB prepare fiscal notes on bills and resolutions?

A. The House and Senate rules require the LBB to prepare fiscal notes on bills and joint resolutions according to specified criteria. The LBB does not prepare fiscal notes on simple or concurrent resolutions.

Q. If a bill does not appropriate funds, why is there an impact?

A. The fiscal note provides cost and revenue information. The Senate Finance Committee or House Committee on

Appropriations determines, subject to approval through the legislative process, how much of the cost indicated on the fiscal note should be funded, if any.

- ➤ A bill not appropriating money for implementation does not prevent the fiscal note from reflecting the full costs associated with the bill.
- ➤ Bill language limiting expenditures to amounts appropriated does not eliminate costs on a fiscal note.

The estimated cost of a program is distinct from the amount appropriated through the legislative process. The fiscal note is not binding on the appropriation process.

Q. Is there an impact if a bill authorizes but does not require a program to be implemented?

A. This question often arises when bill language states that a program "may be implemented" instead of "shall be implemented."

- ➤For estimates of impact to the state, the LBB treats "may" and "shall" in the same way: it is assumed the program would be implemented. This serves two purposes:
 - 1. It provides the legislature with information regarding the potential costs of the proposed legislation.
 - It provides a specific dollar amount that the legislature can use when deciding how much, if any, of the program costs to fund through the appropriation process.
- ➤For estimates of impact to local government, the LBB does not make an assumption regarding the number of units of local government that would choose to implement an optional program. In these instances, the LBB provides an example of the impact that might occur to units of local government.

Q. If an agency resubmits information regarding a bill's impact, is the LBB obligated to use the latest information?

A. No, the LBB uses the information it believes to be most accurate and reliable. If an agency resubmits information that differs substantially from that agency's original submission, the LBB will evaluate that information and use whichever submission is determined to be most accurate and reliable. The LBB is not obligated to use agency estimates of costs, impacts, caseloads, etc.

FREQUENTLY ASKED QUESTIONS

Q. Do fiscal notes reflect costs to state funds only, or do they reflect costs to the Texas economy as a whole?

A. Fiscal note estimates only address the direct effect a bill would have on state government expenditures or revenues.

- ➤ Provisions of a bill that potentially could reduce future state expenditures or that might have an effect on the current Texas economy (e.g., jobs created, lowering the number of Texans who are unemployed) are considered secondary fiscal implications.
- Secondary fiscal implications are not included in fiscal note estimates.

Q. What is the baseline for preparing fiscal note estimates?

A. Fiscal note estimates are based on law in effect at the time the estimates are produced, and on the Comptroller's Biennial Revenue Estimate (BRE) released at the beginning of the legislative session. The fiscal note estimates assume that no changes will be made to law other than those resulting from the bill's implementation. They further assume that the BRE will remain unchanged.

For example, if a sales tax exemption for certain businesses was set to expire during the upcoming biennium, the BRE for the upcoming biennium would include the additional sales tax revenue that would result from the expiration of the tax exemption. If a bill were to extend the sales tax exemption, sales tax revenue would be less than the amount included in the BRE. Therefore, even though the bill would allow taxpayers to continue to receive the same tax exemption, the baseline for the fiscal note estimate is based on revenue that would have been collected if the bill's provisions were not implemented. Thus, the fiscal note estimate in this example would reflect a revenue loss.

Q. How do fiscal notes and the appropriation process go together?

A. The fiscal note is a statement of a bill's potential fiscal impact. A bill provides the legal basis for certain actions to take place, but generally does not appropriate funds to implement its provisions. If a bill does not specifically appropriate funds, but would require an appropriation in order to implement its provisions, it is the responsibility of the bill author to bring the legislation before the House Committee on Appropriations or the Senate Finance Committee to seek funding. The fiscal note attempts to assist in this process. The House Committee on Appropriations, Senate Finance Committee, or Conference Committee may choose to fund the legislation at the level estimated on the

fiscal note or at an alternate level, or may choose not to fund the bill at all.

- The appropriation of funds by bill language or a contingency rider in the appropriations bill does not define the amount of cost included in the fiscal note estimate. For example, the fiscal note on a bill appropriating \$200,000 to implement a program that is estimated to cost \$500,000 would still indicate \$500,000 in costs. The fiscal note would recognize that \$200,000 was appropriated; however, funding of the program would require an additional \$300,000.
- ➤ A bill not appropriating funds for implementation does not prevent the fiscal note from reflecting the full costs associated with the bill.

Q. How are fiscal notes distributed?

A. Fiscal notes are delivered directly to the requesting committee's chair or clerk. This is usually accomplished via the LBB's web-based fiscal note system, however, if a fiscal note is completed close to the deadlines specified in the rules,2 the LBB will hand-deliver a hard copy of the fiscal note to the committee. An electronic copy of the fiscal note will also be forwarded to the author and sponsor of the bill or resolution and to source agencies.

Q. How can I get a copy of a fiscal note that is not yet published on the web?

A. A copy of the fiscal note is not available until the bill is heard in committee. Request the fiscal note from the committee staff or author/sponsor of the bill.

COMMONLY USED FISCAL NOTE TERMS

ACCOUNT

A special accounting entity within the General Revenue Fund that keeps a separate and distinct balance at the end of each fiscal year.

➤ An account is not a fund (see "Dedicated Funds" and "Funds").

ACT

A bill passed by the legislature, signed by the governor, and recorded with the Secretary of State.

APPROPRIATED

Refers to the dollars or associated full-time equivalent (FTE) staff positions authorized for specific fiscal years and to the provisions for spending authority.

ARTICLE

A major division of a bill.

BIANNUAL

Occurring twice a year.

BIENNIAL

Occurring every two years.

BIENNIUM

The two-year period beginning on September 1 and ending on August 31 of odd-numbered years, for which Texas' general state appropriations are made. A biennium is identified by the two fiscal years of which it consists (e.g., 2016–17 biennium).

BILL

A proposed new law or amendment to existing law that is introduced for legislative consideration. A bill that is enrolled by the legislature and not vetoed by the governor becomes law on the bill's effective date.

BUDGETED

Refers to the planned level of expenditures, performance, or number of staff positions for a particular year.

DEDICATED FUNDS

Revenue sources or comptroller-designated funds restricted for specific purposes. These include both constitutionally and statutorily dedicated funds.

➤ "Accounts" are often mistakenly referred to as "Funds."

ENGROSSED

A bill that has been passed by the chamber of the legislature in which the bill was originally filed.

ENROLLED

A bill that has been passed by both chambers of the legislature. After enrollment, a bill is sent to the governor for signature or veto.

FISCAL YEAR (FY)

September 1 through August 31 and is specified by the calendar year in which the fiscal year ends (e.g., September 1, 2017 through August 31, 2018 is fiscal year 2018).

➤ The federal fiscal year is October 1 through September 30.

FULL-TIME EQUIVALENT (FTE)

Unit of measure that represents the monthly average number of state employees working 40 hours a week.

FUND

A constitutionally or statutorily authorized repository of revenue that is used for financing appropriations and that consists of either an independent fiscal entity with a self-balancing set of accounts (e.g., State Highway Fund) or a category of revenues or receipts (e.g., federal funds).

GENERAL REVENUE FUND

The fund (No. 001) that receives state tax revenues and fees available for general spending purposes and is certified as such by the Comptroller of Public Accounts.

GENERAL REVENUE-DEDICATED FUNDS

Accounts whose balances are counted as General Revenue by the Comptroller of Public Accounts for certification of the state budget but must be used for the purposes identified in general law to the extent such funds are appropriated in the General Appropriations Act.

GENERAL REVENUE-RELATED FUNDS

The General Revenue Fund (No. 001), Available School Fund (No. 002), State Textbook Fund (No. 003), and Foundation School Fund (No. 193). Also included are the hotel tax transfers to the Texas Economic Development and Tourism Division of the Office of the Governor and the sporting goods sales tax transfers to Parks and Wildlife Department.

This narrow definition applies for fiscal note purposes only.

NO FISCAL IMPLICATION (NFI)

When stated on a fiscal note, means that implementing the provisions of the bill would not require any additional resources from the state, nor would there be any state revenue impact.

COMMONLY USED FISCAL NOTE TERMS

NO SIGNIFICANT FISCAL IMPLICATION (NSFI)

When stated on a fiscal note, means that the change in resources necessary to implement a program is insignificant relative to the budget of the affected agency and could be reasonably absorbed within an agency's current appropriation level.

SPECIAL FUNDS

Non-General Revenue Funds that have retained their revenue dedication.

STATUTE

A law enacted by the legislature and generally codified in government codes with other legislation on the same subject.

DOCUMENT ABBREVIATIONS

FN - Fiscal Note

Act - Actuarial Impact Statement

CJ - Criminal Justice Impact Statement

EEFIS – Equalized Education Funding Impact Statement

HEd - Higher Education Impact Statement

Open - Open Records Impact Statement

Supp – Supplemental Information Regarding Economic Effects of Tax Changes

Tax - Tax/Fee Equity Note

WDev - Water Development Policy Impact Statement

PART II: INSTRUCTIONS FOR LEGISLATIVE COMMITTEES

Guide to Fiscal Notes - ID: 3555 15

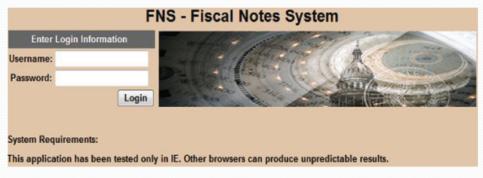
CONTACTS FOR FISCAL NOTES

Fiscal Notes Help Desk Number: (512) 936-4033 Email Contact: LBB.Applications@lbb.state.tx.us

For immediate 24-7 response, please call the Fiscal Notes Help Desk Number. For less urgent issues, use the email contact. You should receive a response to your email by the end of the next business day.

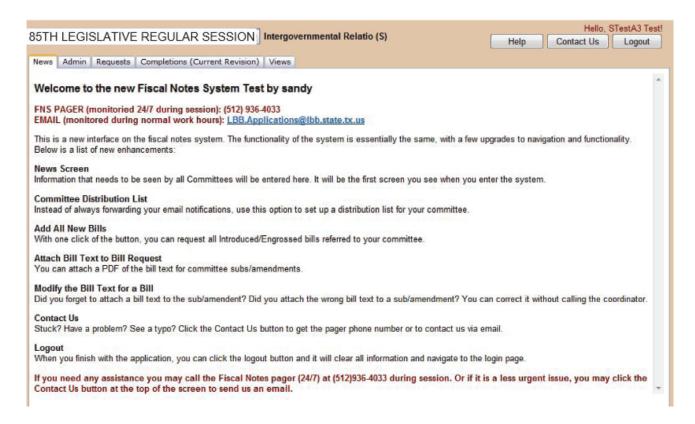
Logon Screen

Below is the new Fiscal Notes Logon screen.



· Type your username and password and click the Login button to log into the system.

News Tab



Committee Screen

- The top portion of the screen contains the following items:
 - Session drop down. This drop down defaults to the current session.
 - 2. If you belong to one committee, that committee is displayed to the right of the session drop down.

Hello, TestCommitte 85TH LEGISLATIVE REGULAR SESSION Public Health (H)

If you belong to more than one committee, a committee drop down is displayed to the right of the session drop down.

- Help button
- 4. Contact Us button
- Logout button

Admin - Committee Information

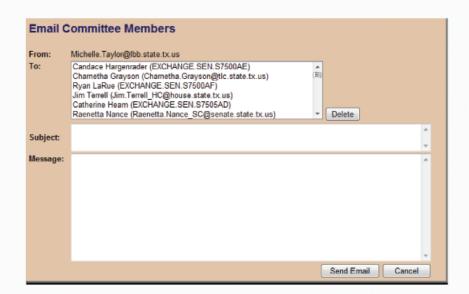
This screen lists all of the committees, the committee coordinators, and committee contacts.



- The Print View button will allow you to print this list.
- The boxes to the left of the Committee Name will allow you to select the committee.

Admin Screen - Committee Information

The Email All Committees button will open up a dialog box that will have all of the contacts listed in the To: field. You can then fill out the subject and message and click the Send button to send an email to all the committees.



The Email Selected Committees button will open up a dialog box that will have all of the members from the selected committees listed in the To: field. You can then fill out the subject and message and click the Send button to send an email to all members of the selected committees.



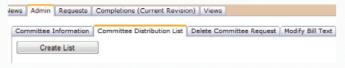
If you want to remove a person from the To: list, you can click on their name and then click the delete button.



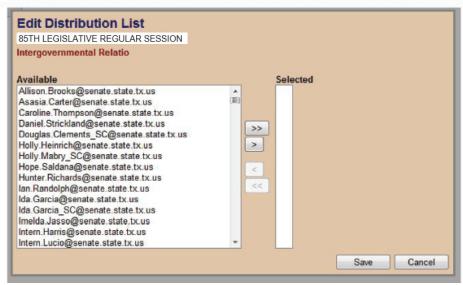
The coordinator/contact names are mailto links. You can click on the name and your email client will open. You can then send your email message.

Admin Screen - Committee Distribution List

To create a distribution list for your committee, click the Create List button.



The Edit Distribution List pop-up will display



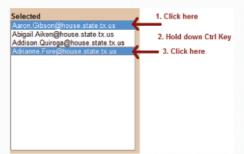
Admin Screen - Committee Distribution List (con't)

- The 4 buttons between the Available List and the Selected List have the following functions:
- >> Move all members from the Available List to the Selected List
- Move selected members from the Available List to the Selected List
- Remove selected members from the Selected List
- Remove all members from the Selected List
- If you want to select a block of members in either the Available List or the Selected List, click on the first members name, hold down the Shift key, and click on the second members name. This will highlight the members that you clicked on and everyone in between.



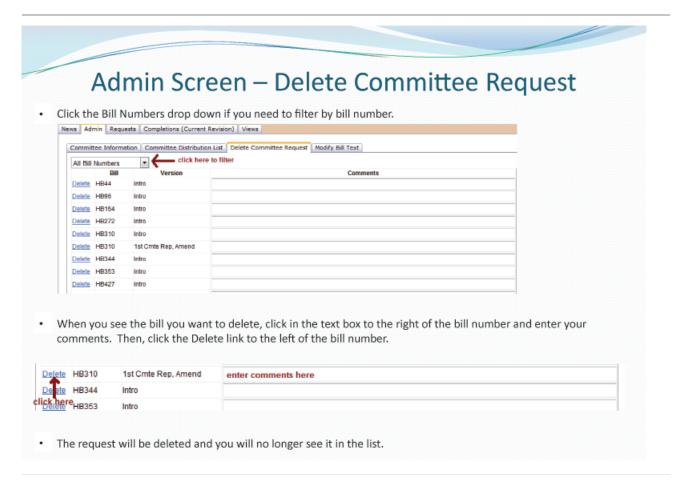
Admin Screen - Committee Distribution List

If you want to select a non-contiguous block of members in either the Available or Selected List, click on the first members name, hold down the Ctrl key, and click on the second members name. This will highlight the members that you clicked on and everyone in between.



- Once you have moved the appropriate members to the Selected List, click the Save button.
- The updated list will display on the screen.

Edit List	Email Distribution List	
Name	Email	Phone Number
Aaron Gibson	Aaron.Gibson@house.state.tx.us	(512)463-0645
Abigail Aiken	Abigail.Aiken@house.state.tx.us	
Addison Quiroga	Addison.Quiroga@house.state.tx.us	
Adrianne Fore	Adrianne.Fore@house.state.tx.us	(512)463-0727



Admin Screen -- Attach Bill Text

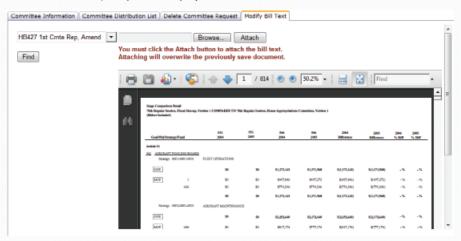


Admin Screen - Modify Bill Text

· If the bill text is not available, you will see the following message, Bill Text not found.

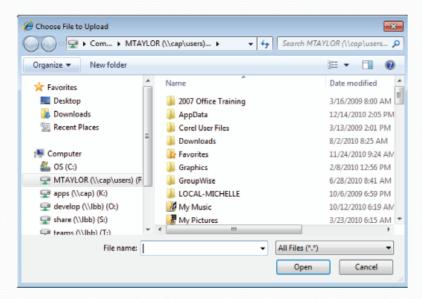


· If the bill text is available, the pdf will display on the screen.

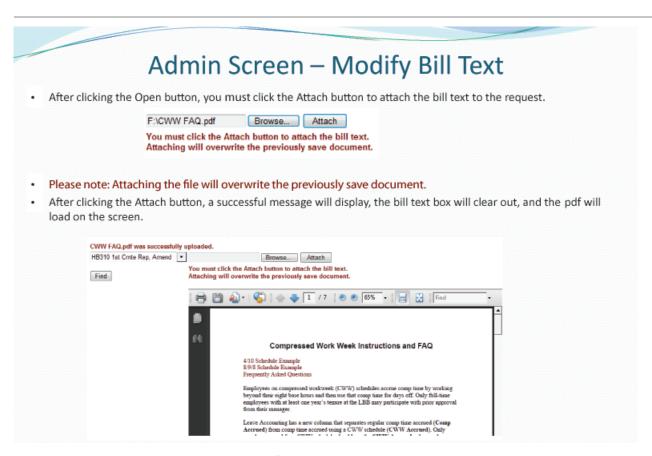


Admin Screen - Modify Bill Text

 To attach the bill text, click the Browse button. In the Choose File to Upload dialog box, navigate to the correct directory, select the bill, and click the Open button.



PLEASE NOTE – You can only upload .pdf files.



Requests Screen -- Add a Bill



Requests Screen - Add a Bill

In the Add Bill screen, select a bill from the drop down list. If the bill isn't in the list, you can type the bill number
in the Bill Not in Committee box and click the Get Versions button.

Add Bill			
Bill Number:	¥	Bill Not in Committee:	Get Versions

 When you either select a bill or type the bill in the Bill Not in Committee dialog and click the Get Versions button, the Version field will enable. Click the arrow and select a Version.

Version:	 •	

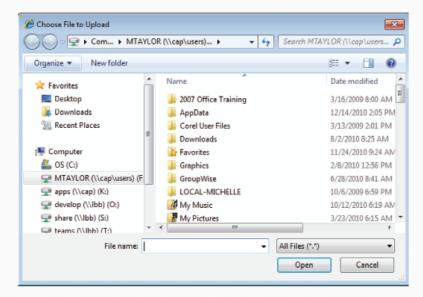
If you select any version except for Intro or Engrossed, the bill text field and buttons will enable.



- The new fiscal notes system allows you to attach the bill text to substituted and amended bills. Please use this
 feature as it will decrease the turnaround time for processing.
- PLEASE NOTE You can only upload .pdf files.

Requests Screen - Add a Bill

 To attach the bill text, click the browse button. In the Choose File to Upload dialog box, navigate to the correct directory, select the bill, and click the Open button.



PLEASE NOTE – You can only upload. pdf files

Requests Screen – Add a Bill After clicking the Open button, you must click the Attach button to attach the bill text to the request. Bill Text: F:\CWW FAQ.pdf Browse... Attach You must click the Attach button to attach the bill text. After clicking the Attach button, the following message will appear: CWW FAQ.pdf was successfully uploaded. and the bill text box will clear out. Bill Text: Browse... Attach You must click the Attach button to attach the bill text. Select the request type, and if you are assigned to a House committee and it's applicable, the appropriate impact statements. · House Committee: Request Types: ☑ FN ☐ ACT ☐ CJ ☐ EEFIS ☐ TAX ☐ WDEV · Senate Committee: Request Types: V FN

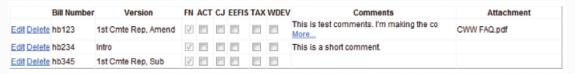
Requests Screen — Add a Bill If applicable, add comments. Comments: Click the Add to List button. Add to List Cancel





Requests Screen

Each pending request will be displayed as a row on the table of the requests screen.



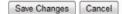
- Click the Edit link to edit the bill version, impact statements (if applicable), comments, or attachments (if applicable)
- · Click the Delete link to delete the bill from the row. The bill request will not be processed.
- Please note if you add the wrong bill, you will not be able to change the bill number. You must delete the row and add a new request.
- If impact statements are available, you can check/uncheck them from the grid.
- If you comment is more than 40 characters, you will see a More... link in the Comments column.

Requests Screen – Edit a Request

- · When you click the Edit link, the information will display on an Edit Bill tab.
- If the Bill text has been attached to the request, a message will display at the bottom
 Bill Text attached: CWW FAQ.pdf
- · If you change the version to Intro or Engross and the request has an attachment, the attachment will be deleted.
- If you change the version to something other than Intro or Engross and the request will have an attachment, the following message will display:

Please verify that [filename] is the correct bill text for [version] .

When you have finished your changes, click the Save Changes button.



Requests Screen - Delete a Request

 If you add a request by mistake, but you haven't submitted the request to the LBB, you can delete the request prior to submission.

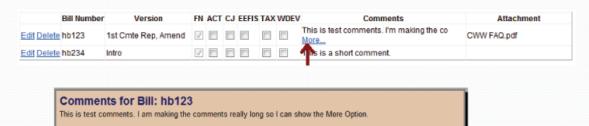


 To delete the request prior to LBB submission, click the delete link. Please Note: The system will not ask for verification.

		Bill Number	Version	FN	ACT	CJ	EEFIS	TAX	WDEV	Comments	Attachment
Edi	t <u>Delete</u> l	hb123	1st Cmte Rep, Amend	1						This is test comments. I'm making the co More	CWW FAQ.pdf
Edi	t <u>Delete</u> l	hb234	Intro	\checkmark						This is a short comment.	

Requests Screen - Comments

 If want to read the comments, click the More link (if comments are more than 40 characters) and a pop-up box with the full comments will display.

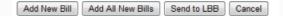


· Click OK when you are

Requests Screen - Send to LBB/Cancel

OK

After adding all of your requests to list, you can click on the Send to LBB button.



If all of are processed and submitted, you'll see the following message below:



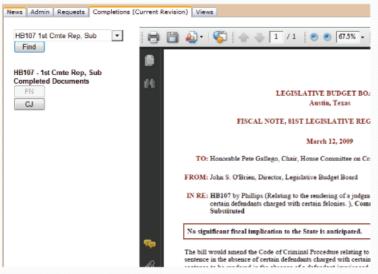
- Click OK. The News, Admin, Completions, and View tabs will reappear. The Session drop down, committee drop down (if applicable), and the Logout button will become enabled.
- If you change your mind and want to delete all requests, click the cancel button. You will see the following message:



Click Yes and the News, Admin, Completions, and View tabs will reappear. The Session drop down, committee
drop down (if applicable), and the Logout button will become enabled. Click No and "Delete all changes?" pop-up
will disappear.

Completions Tab

- This tab allows you to view the fiscal notes and impact statements for the bills assigned to your committee. The
 left side of the tab contains a drop down for the bills/versions. Select the bill/version from the drop down and click
 the Find button.
- The system will pull up the fiscal note and the impact statements (if available) for the bill/version that you
 selected. Click on the appropriate button and the fiscal note or impact statement will display on the right side of
 the screen.



Views Tab

This tab displays the bills assigned to your committee. The top of the tab contains the drop downs that allow you
to filter and sort your bills. You also have the option to print. The list of bills that meet the criteria will display
below the drop downs.



· You will get the following message, if no bills match the criteria:

No documents found that match this criteria. Please try again.

If a fiscal note or impact statement is available, the item will appear as a link in the list.



Click the link to open the fiscal note or impact statement in a new window.



The Print View button will open another browser window and display the list of bills that meet your criteria. Click the Print button in the new browser window to send the list to the printer.



Help

 For more information on the Fiscal Notes application, click the Help button. The fiscal notes help will open in a new browser window.



Contact Us

· Click the Contact Us button to display a pop-up box of contact information.



- · If you want immediate 24-7 assistance, call the FNS Help Desk number.
- . If you want assistance within the next business day, click the LBB Applications link.
- When you click the Contact Us button, the system will display a pop-up form. Fill out the subject and message and then click the Send Email button. You should receive a response by the end of the next business day.



PART III: LEGISLATIVE BUDGET BOARD FISCAL NOTE COORDINATOR COMMITTEE ASSIGNMENTS

LBB COORDINATOR COMMITTEE ASSIGNMENTS

HOUSE COMMITTEES

COMMITTEE	FN COORDINATOR	PHONE
dministration	Kevin Kavanaugh	463-9205
griculture and Livestock	Scott Zaskoda	463-7793
ppropriations	Kevin Kavanaugh	463-9205
usiness and Industry	Cindy Lopez	936-1604
orrections	Fisher Reynolds	463-5630
county Affairs	Jesse Ancira	463-1030
riminal Jurisprudence	Fisher Reynolds	463-5630
ulture, Recreation and Tourism	Scott Zaskoda	463-7793
efense and Veterans' Affairs	Shan Lewis	463-1028
conomic and Small Business Development	Cindy Lopez	936-1604
Subcommittee on Small Business Development	Cindy Lopez	936-1604
lections	Shan Lewis	463-1028
nergy Resources	Scott Zaskoda	463-7793
invironmental Regulation	Scott Zaskoda	463-7793
Sovernment Transparency and Operation	Shan Lewis	463-1028
ligher Education	Tedd Holladay	463-9954
Subcommittee on Postsecondary Education and Workforce Readiness	Tedd Holladay	463-9954
lomeland Security and Public Safety	Fisher Reynolds	463-5630
luman Services	Karen Carlson	463-1177
nsurance	Alison Gilliam	463-2193
nternational Trade and Intergovernmental Affairs	Shan Lewis	463-1028
vestments and Financial Services	Cindy Lopez	936-1604
Subcommittee on State and Local Bonded Indebtedness	Cindy Lopez	936-1604
udiciary and Civil Jurisprudence	Shan Lewis	463-1028
uvenile Justice and Family Issues	Fisher Reynolds	463-5630
and and Resource Management	Scott Zaskoda	463-7793
icensing and Administrative Procedures	Cindy Lopez	936-1604
latural Resources	Scott Zaskoda	463-7793
Subcommittee on Special Water Districts	Scott Zaskoda	463-7793
Pensions	Alison Gilliam	463-2193
Public Education	Tedd Holladay	463-9954
Subcommittee on Educator Quality	Tedd Holladay	463-9954
Public Health	Karen Carlson	463-1177
Redistricting	Shan Lewis	463-1028
Special Purpose Districts	Jesse Ancira	463-1030
State Affairs	Alison Gilliam	463-2193
ransportation	Alison Gilliam	463-2193
Subcommittee on Long-term Transportation Infrastructure Planning	Alison Gilliam	463-2193
rban Affairs	Jesse Ancira	463-1030
Vays and Means	Kevin Kavanaugh	463-9205
Subcommittee on Property Taxation	Kevin Kavanaugh	463-9205
Select Committees		
Emerging Issues in Texas Law Enforcement	Fisher Reynolds	463-5630
State and Federal Power and Responsibility	Shan Lewis	463-1028

LBB COORDINATOR COMMITTEE ASSIGNMENTS

SENATE COMMITTEES

COMMITTEE	FN COORDINATOR	PHONE
Administration	Kevin Kavanaugh	463-9205
Agriculture, Water and Rural Affairs	Scott Zaskoda	463-7793
Business and Commerce	Cindy Lopez	936-1604
Criminal Justice	Fisher Reynolds	463-5630
ducation	Tedd Holladay	463-9954
inance	Kevin Kavanaugh	463-9205
lealth and Human Services	Karen Carlson	463-1177
ligher Education	Tedd Holladay	463-9954
ntergovernmental Relations	Jesse Ancira	463-1030
latural Resources and Economic Development	Scott Zaskoda	463-7793
tate Affairs	Alison Gilliam	463-2193
ransportation	Alison Gilliam	463-2193
eterans Affairs and Military Installations	Shan Lewis	463-1028
Subcommittee on Border Security	Shan Lewis	463-1028