
HOUSE BILL 2151

State of Washington

66th Legislature

2019 Regular Session

By Representatives Stokesbary, MacEwen, Volz, Hoff, Kraft, Schmick, Vick, and Young

Read first time 03/21/19. Referred to Committee on Appropriations.

1 AN ACT Relating to fiscal notes; amending RCW 43.88A.010; adding
2 a new section to chapter 43.88A RCW; creating a new section; and
3 providing expiration dates.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.88A.010 and 1977 ex.s. c 25 s 1 are each amended
6 to read as follows:

7 The legislature hereby recognizes the necessity of developing a
8 uniform and coordinated procedure for determining the expected fiscal
9 impact of bills and resolutions on state government. The legislature
10 also recognizes that developing (~~(such)~~) these statements of fiscal
11 impact, (~~((which shall be known as fiscal notes,))~~) requires the
12 designation of a state agency to be principally responsible
13 (~~((therefor))~~) for the statements. The statements are to be generally
14 known as fiscal notes and dynamic fiscal impact statements. Dynamic
15 fiscal impact statements may be included in certain fiscal notes in
16 accordance with section 2 of this act.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.88A
18 RCW to read as follows:

19 (1)(a) For purposes of this chapter, a dynamic fiscal impact
20 statement is: (i) A written statement that includes a dynamic impact

1 estimate of the legislation or proposed legislation; and (ii)
2 contained only in the narrative explanation of the fiscal note and
3 not reflected in the fiscal impact calculation required by RCW
4 43.88A.020.

5 (b) A dynamic fiscal impact statement must include information on
6 the assumptions that were used in computing the dynamic impact
7 estimate. The dynamic impact estimate should, at a minimum, be based
8 on assumptions of the probable behavioral response of persons
9 directly impacted by the legislation or proposed legislation.

10 (2) By July 1, 2020, the office of financial management must, in
11 consultation with the economic and revenue forecast council,
12 establish the process and methodology for dynamic fiscal impact
13 statements and dynamic impact estimates.

14 (3) Dynamic fiscal impact statements may be produced only on
15 request from a member of the senate ways and means committee, house
16 of representatives appropriations committee, house of representatives
17 finance committee, or any successor committee to these committees.

18 (4) Dynamic fiscal impact statements may not be made unless: (a)
19 The fiscal note in which it would be contained reflects a positive or
20 negative revenue impact of more than ten million dollars per fiscal
21 year; or (b) the proposed or draft legislation is a broad-based
22 business or labor regulation reasonably likely to exceed ten million
23 dollars per year in impact on business.

24 (5) Requests for dynamic fiscal impact statements on existing or
25 draft legislation must be submitted to the office of financial
26 management at least sixty days before the beginning of a regular
27 legislative session.

28 (6) Dynamic fiscal impact statements may not be updated when a
29 bill or resolution is substantively amended during a legislative
30 session. If the office of financial management determines that a
31 substantive amendment to a bill or resolution would likely affect the
32 dynamic impact estimate for that bill or resolution, the dynamic
33 fiscal impact statement must be removed from any fiscal note that
34 reflects the amendment.

35 (7) This section does not limit the provisions of chapter 43.132
36 RCW.

37 (8) For purposes of this chapter, "dynamic impact estimate" means
38 an estimate of the net fiscal impact of a bill, resolution, or
39 proposed legislation that takes into account behavioral changes of
40 persons directly impacted by the legislation or proposed legislation

1 and the effect that those behavioral changes may have on the economy
2 as a whole. Dynamic impact estimates may take into consideration
3 factors such as the effects of the legislation or proposed
4 legislation on persons to save, spend, invest, and expand or reduce
5 their business activities in this state.

6 (9) This section expires June 30, 2025.

7 NEW SECTION.

Sec. 3.

(1)(a) The legislature recognizes the
8 increasing importance of having complete information to establish and
9 enforce budgetary priorities, coordinate actions on spending and
10 revenue legislation, and develop budgetary and economic information
11 independently of the executive branch.

(b) The legislature finds it is important for the legislature to
12 have the best available information about the longer-term and
13 holistic impact of budget decisions, particularly in light of the
14 four-year balanced budget requirement.
15

(2)(a) The director of the house of representatives office of
16 program research and the director of senate committee services shall
17 convene a work group to explore ways to improve and expand
18 nonpartisan fiscal and program information available to the
19 legislature. The directors are the cochairs of the work group.
20

(b) The work group shall conduct a study of the accuracy and
21 reliability of fiscal notes by examining a sample of fiscal notes on
22 enacted legislation to compare the projected cost of the legislation
23 with the actual costs incurred in the legislation's implementation.
24

(c) The work group shall also inventory nonpartisan program and
25 fiscal information made available to the public by the legislative
26 branch including, but not limited to, information posted at
27 fiscal.wa.gov, the web site for the legislative evaluation and
28 accountability program, web sites for the house of representatives
29 and senate, the web site of the joint legislative audit and review
30 committee, and the web site for the Washington state institute for
31 public policy. The inventory should also include materials on the web
32 sites of the caseload forecast council and the economic and revenue
33 forecast council. The work group must also inventory the use of
34 dynamic spending and revenue estimates in other states, including
35 their use in fiscal notes.
36

(d) The work group shall also recommend methods to:
37

(i) Improve the accuracy and timeliness of cost and revenue
38 estimates for proposed legislation;
39

1 (ii) Improve the long-term budget projections for proposed and
2 enacted budgets;

3 (iii) Improve and expand the regular reporting and analysis of
4 state spending and revenue totals; and

5 (iv) To the extent practicable, include dynamic fiscal estimates
6 in both revenue and expenditure estimates.

7 (e) As part of its work, the work group must analyze whether a
8 new nonpartisan legislative fiscal agency should be created. In
9 conducting the analysis, the work group must, at a minimum, examine
10 models in other states including, but not limited to, the California
11 legislative analyst's office. If the work group recommends the
12 establishment of a new legislative agency, the recommendations must
13 outline the responsibilities of the new nonpartisan legislative
14 fiscal agency and whether any existing functions or entities should
15 be transferred to or subsumed in the newly created nonpartisan
16 legislative fiscal agency.

17 (f) In addition to the two cochairs, the work group is comprised
18 of at least the following members:

19 (i) One member from each of the two largest caucuses of the
20 senate chosen by the president of the senate;

21 (ii) One member from each of the two largest caucuses of the
22 house of representatives chosen by the speaker of the house of
23 representatives;

24 (iii) One representative from the legislative evaluation and
25 accountability program committee;

26 (iv) One representative from the Washington state institute for
27 public policy; and

28 (v) One representative from the office of financial management.

29 (g) The first meeting of the work group must occur no later than
30 August 1, 2019.

31 (h) The work group shall report its findings and recommendations
32 to the governor and the appropriate committees of the legislature no
33 later than December 1, 2020.

34 (3) This section expires December 31, 2020.

35 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30,
36 2025.

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