

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2500

STATUS: B Engrossed

SUBJECT: Creates Oregon transparency website, establishes Oregon Transparency Advisory Commission, and creates the Oregon Transparency Advisory Commission Fund.

GOVERNMENT UNIT AFFECTED: All state agencies

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DATE: May 26, 2009

EXPENDITURES:

See Analysis

EFFECTIVE DATE: On Passage

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: This measure directs the Department of Administrative Services (DAS) to develop and make available to the public the Oregon transparency website. The website will provide state agency information including, but not limited to, annual revenue and expenditure information, annual human resources expenses and compensation information, contracting and subcontracting information, funding categories, program information, Oregon Progress Board information, and copies of any audit report issued by the Secretary of State for the agency. The measure directs agencies to provide information for the website at no additional cost, using existing resources, without reallocation of resources. The information provided is subject to public record and confidentiality laws. The measure is effective on passage, with an operative date for the website establishment of January 1, 2010.

This measure also establishes a nine-member Oregon Transparency Advisory Commission to advise and make recommendations to DAS regarding creation, content, operation, and enhancements to the website. The measure does not allow for compensation or reimbursement of expenditures to commission members, unless they are also members of the Legislative Assembly who would be eligible for per diem expenses. The bill stipulates that the permanent staff of the Legislative Fiscal Office will staff the commission to the greatest extent practicable and DAS may provide additional assistance. The measure directs all state agencies to provide information and advice at the request of commission members. The commission will report to the Legislative Assembly no later than January 15 of each odd-numbered year. The measure outlines what the commission report to the Legislative Assembly must describe, including any information that state agencies were not able to practicably provide to the website.

The measure establishes the Oregon Transparency Advisory Commission Fund, separate and distinct from the General Fund, and continuously appropriates moneys received by the commission to be used for functions of the commission. The measure allows the commission to accept contributions of moneys or assistance from the United States Government or its agencies, or from any other public or private source.

DAS assumes implementation of the website through the existing E-Government Program, including security, and maintenance. DAS would use accounting and information technology resources to coordinate the information requirements for approximately 85 state agencies that utilize the statewide

financial system. DAS would also coordinate information requirements for agencies not currently using the statewide financial system (e.g. Department of Transportation, Department of Higher Education, State Lottery). These agencies would have to independently submit information to DAS for posting to the website.

DAS, the Department of Higher Education, and the Legislative Fiscal Office would each have a minimal fiscal impact. The Department of Transportation would not have a fiscal impact.

The Legislative Fiscal Office (LFO) notes the following issues:

- The level of effort required by DAS to centrally coordinate information in a standard format for state agencies would require a reallocation of existing DAS information technology and accounting staff resources.
- Agency staff may have costs related to requests by the public about information provided on the website.
- The language of the bill is permissive. Agencies are not required to provide any information if it would require the reallocation of resources or has a cost.
- The measure establishes a new continuously appropriated fund without identifying the source of the funds or the agency responsible for the administration of the fund. Also, expenditure limitation is required for this fund in order to statutorily limit both the amount and type of expenditures the commission would be authorized to undertake. The purpose of the fund is ambiguous, because the measure does not specify any expenditure related to the performance of the functions of the commission.