

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2020 Regular Session
Legislative Fiscal Office

Measure: SB 1506

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Michael Graham
Reviewed by: Paul Siebert, Ken Rocco
Date: February 12, 2020

Measure Description:

Establishes Public Records Advocate as independent office within executive department.

Government Unit(s) Affected:

Secretary of State (SOS), Department of Administrative Services (DAS), Public Records Advocate (PRA)

Summary of Fiscal Impact:

Costs related to the measure will require budgetary action - See analysis.

Analysis:

The measure establishes the office of the Public Records Advocate as an independent office in the executive department of state government. The Public Records Advocate is changed from unclassified to exempt service. Instead of the Governor, the Public Records Advisory Council shall appoint the Public Records Advocate. The Council is permitted to support or oppose legislation relating to public records law and to request that one or more legislators introduce legislation relating to public records law. The measure makes various changes to the membership of the Public Records Advisory Council, including that the Public Records Advocate is no longer required to serve as the Council chair. The Public Records Advocate shall serve as the custodian of all the Council records. The measure ratifies and affirms any actions taken by the Council to recruit and appoint the Public Records Advocate prior to its effective date. It takes effect on passage.

Secretary of State

The State Archivist, which is budgeted within the office of Secretary of State (SOS), may furnish office facilities and provide administrative support to the PRA. The State Archivist does not intend to furnish office facilities or provide administrative support to the PRA. The measure does not otherwise have a fiscal impact on the SOS.

Department of Administrative Services

The Public Records Advocate (PRA) is currently budgeted within the office of the Chief Operating Officer (COO) of the Department of Administrative Services (DAS). The COO's budget is paid for with Other Funds through assessments, which also covers the PRA budget. Since the measure takes effect on passage, the PRA will become independent for the remainder of the 2019-21 biennium (16 months). DAS anticipates savings of \$521,725 Other Funds in 2019-21 and \$841,361 Other Funds in 2021-23. Given the anticipated savings, the COO will lose two positions (1.34 FTE in 2019-21) and will need a decrease in expenditure limitation. However, DAS is still required to furnish office facilities and provide administrative support to the PRA. At present, DAS has an agreement with the PRA that the PRA will not pay rental costs for square footage in the 2019-21 biennium, the cost of which the COO will cover. However, the PRA will have to pay rental costs for square footage starting in the 2021-23 biennium.

Public Records Advocate

The PRA is a two-person agency. The staff consists of an executive director (PEM G) and a deputy (OPA 4). The PRA's estimated personal services costs are \$484,070 General Fund in 2019-21 for 1.34 FTE and \$776,505 General Fund in 2021-23 for 2.00 FTE. However, the PRA's personal services costs may decrease if the PRA is not exempted from the classification and compensation statutes in ORS Chapter 240, because it is unlikely that a

small agency will receive a PEM G as the executive director with the only other employee being an OPA 4, both of which are high-paying positions.

The PRA's estimated services and supplies costs for the remainder of 2019-21 are \$37,655, which includes \$16,667 in DAS Shared Financial Services. The estimated services and supplies costs for 2021-23 are \$64,856, which includes \$25,000 in DAS Shared Financial Services.

In total, the PRA's estimated costs are \$521,725 General Fund for the remainder of 2019-21 and \$841,361 General Fund in 2021-23. However, the amount of the PRA's rental costs, which is currently priced at \$1.55 per square foot per month, is unclear at this time because the PRA is currently in the process of moving to a new facility, and it is unclear how much square footage the PRA will take up.

Because the PRA needs a General Fund appropriation to cover both its start-up and ongoing costs, and because the Department of Administrative Services' budget needs to be adjusted, the measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its impact on the State's General Fund.