

Legislative Fiscal Office

Oregon State Capitol
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Joint Committee on Ways and Means

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Representative Tawna Sanchez, House Co-Chair

Senator Fred Girod, Senate Co-Vice Chair
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Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

To: General Government Subcommittee

From: Kim To, Legislative Fiscal Office

Date: March 28, 2023

Subject: HB 5032 – Office of the Public Records Advocate
Work Session Recommendations

Office of the Public Records Advocate – Agency Totals

	2019-21 Actual*	2021-23 Legislatively Approved*	2023-25 Current Service Level	2023-25 LFO Recommended
Other Funds	543,061	716,805	726,435	900,101
Total Funds	\$543,061	\$716,805	\$726,435	\$900,101
Positions	2	2	2	2
FTE	2.00	2.00	2.00	2.00

**The Office of the Public Records Advocate's 2019-21 and 2021-23 budgets were included as part of the Department of Administrative Services budget.*

Attached are the recommendations from the Legislative Fiscal Office (LFO) for the Office of the Public Records Advocate (PRA)

The 2023-25 LFO recommended budget for the Office of the Public Records Advocate is two positions (2.00 FTE) and \$900,101 Other Funds. This is a \$183,296, or 25.6%, increase from 2021-23 legislatively approved budget of \$716,805 Other Funds.

Note that the 2019-21 and 2021-23 budgets for the Office of the Public Records Advocate were included in the Department of Administrative Services (DAS) budget. SB 106 (2017) created the role of the Public Records Advocate (PRA) and the budget for performing the duties of the PRA was housed in DAS. For the 2017-19 biennium, SB 106 appropriated \$633,187 General Fund to DAS to be expended for the Office of the Public Records Advocate and to support the Public Records Advisory Council. For the 2019-21 and 2021-23 biennia, the expenses for the Office were paid through DAS assessments. SB 500 (2021) established the Office of the PRA as an independent office within the executive department, separate and distinct from any other state agency. The 2023-25 biennium budget is the first time the Office submitted a budget request as an independent agency.

The 2023-25 LFO recommended budget includes:

- Technical packages to create the Office of the Public Records Advocate as a new standalone agency by establishing a \$726,437 Other Funds expenditure limitation and authorizing two positions (2.00 FTE).
- \$173,664 Other Funds to provide the Office with sufficient services and supplies expenditure limitation.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation to HB 5032. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation to HB 5032, with modifications. (VOTE)

Performance Measures

The Legislative Fiscal Office recommends that the agency, the Department of Administrative Services Chief Financial Office, and the Legislative Fiscal Office work together during the 2023 interim to develop proposed Key Performance Measures for the Office of the Public Records Advocate.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)

Recommended Changes

LFO recommends a budget of \$900,101 Other Funds, and two positions (2.00 FTE), which is reflected in the –1 amendment.

MOTION: I move adoption of the –1 amendment to HB 5032. (VOTE)

Final Subcommittee Action

LFO recommends that HB 5032, as amended by the –1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move HB 5032, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	-	-	-	-	-	-	-	-	-
2021-23 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget (Base)	-	-	-	-	-	-	-	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2023-25 Base Budget	-	-	-	-	-	-	-	-	-
060: Technical Adjustments	-	-	726,435	-	-	-	726,435	2	2.00
2023-25 Current Service Level	-	-	726,435	-	-	-	726,435	2	2.00
070: Revenue Reductions/Shortfall	-	-	(726,435)	-	-	-	(726,435)	(2)	(2.00)
Adjusted 2023-25 Current Service Level	-	-	-	-	-	-	-	-	-
Total LFO Recommended Packages	-	-	900,101	-	-	-	900,101	2	2.00
2023-25 Legislative Actions	-	-	900,101	-	-	-	900,101	2	2.00
Net change from 2021-23 Leg Approved Budget	-	-	900,101	-	-	-	900,101	2	2.00
Percent change from 2021-23 Leg Approved Budget	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%
Net change from 2023-25 Adj Current Service Level	-	-	900,101	-	-	-	900,101	2	2.00
Percent change from 2023-25 Adj Current Service Level	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	-	-	-	-	-	-	-	-	-
2021-23 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget (Base)	-	-	-	-	-	-	-	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2023-25 Base Budget	-	-	-	-	-	-	-	-	-
060: Technical Adjustments	-	-	726,435	-	-	-	726,435	2	2.00
2023-25 Current Service Level	-	-	726,435	-	-	-	726,435	2	2.00
070: Revenue Reductions/Shortfall	-	-	(726,435)	-	-	-	(726,435)	(2)	(2.00)
Adjusted 2023-25 Current Service Level	-	-	-	-	-	-	-	-	-
Total LFO Recommended Packages	-	-	900,101	-	-	-	900,101	2	2.00
2023-25 Legislative Actions	-	-	900,101	-	-	-	900,101	2	2.00
Net change from 2021-23 Leg Approved Budget	-	-	900,101	-	-	-	900,101	2	2.00
Percent change from 2021-23 Leg Approved Budget	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%
Net change from 2023-25 Adj Current Service Level	-	-	900,101	-	-	-	900,101	2	2.00
Percent change from 2023-25 Adj Current Service Level	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 060 Technical Adjustments

Package Description This package moves two positions (2.00 FTE) and associated S&S for the PRA from the Department of Administrative Services budget into the newly created agency. Senate Bill 500 (2021) created the Office of Public Record Advocate as an independent office within the executive branch, separate and distinct from any other state agency.

LFO Recommendation

LFO Recommended	-	-	726,435	-	-	-	726,435	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description This package recognizes that the PRA does not have a dedicated funding stream at Current Service Level and reduces the agency budget. The agency budget is reduced to zero and two positions (2.00 FTE) are eliminated. The agency has proposed to restore this reduction with a new funding stream in a policy package (Package 101 – Funding for New Agency). As submitted, this package would have reduced the agency Services and Supplies budget by \$1 more than the expenditure limitation established in the 060 package. The analyst modified this package by \$1 in Services in Supplies, to avoid having a negative budget.

LFO Recommendation

LFO Recommended	-	-	(726,435)	-	-	-	(726,435)	(2)	(2.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 101 Funding for New Agency

Package Description This package establishes a funding stream for the PRA and restores the reductions reflected in the 070 package. The funding approved is 100 percent Other Funds as an assessment based on FTE. SB 510 (2023) directs and authorizes the PRA to use a similar assessment model used by the Department of Administrative Services and the Oregon Ethics Commission.

LFO Recommendation

LFO Recommended	-	-	726,437	-	-	-	726,437	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 102 Funding for additional S&S

Package Description This package adds expenditure limitation to cover stipends for Public Records Advisory Council members, Attorney General fees, as well as travel and data processing expenses.

LFO Recommendation

LFO Recommended	-	-	173,664	-	-	-	173,664	-	-
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