

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 2101 - A**79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***Prepared by: Kim To
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Date: 6/21/2017**Measure Description:**

Establishes an Oregon Sunshine Committee and requires Legislative Counsel to prepare Open Government Impact Statements for measures affecting disclosure of a public record and to establish a public records subcommittee of the Legislative Counsel Committee.

Government Unit(s) Affected:

Legislative Counsel, Department of Justice (DOJ), Legislative Counsel Committee (LCC), Legislative Assembly

Summary of Expenditure Impact:

	2017-19 Biennium	2019-21 Biennium
Legislative Counsel		
Personal Services	\$169,939	\$194,215
Services & Supplies	16,994	19,422
Total General Fund	\$186,933	\$213,637
Positions	1	1
FTE	0.75	1.00
Department of Justice		
Personal Services	\$153,820	\$175,345
Services & Supplies	59,011	61,936
Total General Fund	\$212,831	\$237,281
Positions	2	2
FTE	0.88	1.00
TOTAL		
Personal Services	\$323,759	\$369,560
Services & Supplies	76,005	81,358
TOTAL GENERAL FUND	\$399,764	\$450,918
Positions	3	3
FTE	1.63	2.00

Analysis:

House Bill 2101 directs the Legislative Counsel (LC) to prepare an Open Government Impact Statement for each measure reported out of committee of the Legislature, if the measure affects the disclosure, or exemption from disclosure, of a public record. The bill specifies the contents of an Open Government Impact Statement. The bill requires LCC to establish a subcommittee to review all exemptions from disclosure of public records, including the review of administrative rules as requested by the Legislative Assembly or any person affected by the rule. In addition, the bill establishes: (1) a public records subcommittee of the Legislative Counsel Committee; and (2) a 15-member Oregon Sunshine Committee. The bill is effective on the 91st day after the date on which the 2017 Legislature adjourns sine die.

The total fiscal impact of this bill is \$399,764 General Fund, 3 positions, 1.63 FTE for the 18 months of the 2017-19 biennium; and \$450,918 General Fund, 3 positions, 2.00 FTE for the 24 months of the 2019-21 biennium.

Legislative Counsel

The Legislative Counsel estimates the fiscal impact of this bill to be \$186,933 General Fund, 1 position, and 0.75 FTE for the 18 months of the 2017-19 biennium; and \$213,637 General Fund, 1 position, and 1.00 FTE for the 24 months of the 2019-21 biennium. To comply with the provisions of this bill, LC anticipates hiring an additional Staff Attorney to work with existing staff to review each measure reported out of committee to determine if an Open Government Impact Statement is required, as well as to prepare Open Government Impact Statements and perform interim review of exemptions from disclosure of public records.

Department of Justice

The bill establishes, without a sunset date, a 15-member Oregon Sunshine Committee charged with:

1. Establishing a plan or schedule to review, by December 31, 2026, all exemptions from disclosure for public records that provides for review.
2. Studying and identifying inefficiencies and inconsistencies in the application of public records laws.
3. Making recommendations on changes in existing law, policy and practice to enhance transparency and facilitate rapid fulfillment of public records requests made to public bodies.
4. Submitting a report to the public records subcommittee of the Legislative Counsel Committee that includes recommendations to amend or repeal the exemptions from disclosure.

The Department of Justice estimates the fiscal impact of this bill to be \$212,831 General Fund, 2 positions, and 0.88 FTE for the 18 months of the 2017-19 biennium; and \$237,281 General Fund, 2 positions, and 1.00 FTE for the 24 months of the 2019-21 biennium. This amount reflects personal services and related services and supplies for two limited duration positions, one half-time Assistant Attorney General and one half-time Legal Secretary to support the Oregon Sunshine Committee in carrying out its charge, including reviewing over 500 exemptions from public disclosure that have been adopted over the past forty years.

Legislative Assembly

Four members of the LC subcommittee will be legislative members who are entitled to per diem and travel reimbursement. The estimated per diem and travel reimbursement cost for the four legislative members is \$804 per day. This amount includes the Federal Insurance Contribution Act (FICA) tax, and assumes per diem remains at \$142 per day, and the average mileage of 90 miles at the current rate of \$0.535 per mile. Although the 2017-19 Legislative Assembly budget contains funds allocated for interim committee work, if the work required by this subcommittee, or if the cumulative enactment of other legislation with interim committees and task forces exceeds expenditure levels beyond those assumed in the 2017-19 budget, additional General Fund resources may be required. Subcommittee participation would not incur additional costs to the Legislative Assembly budget if the meetings are held at the Capitol building during Legislative Session, Task force or Legislative Days.

This bill requires budgetary action for allocation of General Fund resources and position establishment.