

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: SB 500 - 2

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

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Measure Description:

Establishes Public Records Advocate as independent office.

Government Unit(s) Affected:

Department of Administrative Services (DAS)

Summary of Fiscal Impact:

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

Analysis:

SB 500 with the -2 amendment creates the office of the Public Records Advocate (PRA) as an independent office within the executive branch, separate and distinct from any other state agency. The measure changes the appointing authority for the PRA from the Governor to the Public Records Advisory Council. Instead of the PRA serving as the Council chair the measure authorizes the Council to elect a chair and vice chair. The Council may support or oppose legislation relating to public records law. The Council may also request legislators to introduce legislation relating to public records law. The PRA shall serve as the custodian of all the Council records. The measure establishes the Public Records Advocate Fund. Moneys in the Fund are continuously appropriated to the Office of the Public Records Advocate for operations of the Office and the Council. The measure ratifies and affirms any actions taken by the Council to recruit and appoint the PRA prior to its effective date. Because the measure contains an emergency clause and takes effect on passage, this fiscal analysis assumes the Office of the Public Records Advocate will become independent for the 2021-23 biennium.

Department of Administrative Services (DAS)

With passage of this bill, the 2021-23 DAS COO budget will decrease in expenditure limitation by (\$819,399) Other Funds expenditure limitation, (2) positions, and (2.00) FTE. Currently, the Office of the Public Records Advocate is budgeted within the office of the DAS Chief Operating Officer (COO). The COO's budget is paid for with Other Funds through assessments, which also covers the Public Records Advocate budget.

Office of the Public Records Advocate

In total, the cost of establishing the Office of the Public Records Advocate as an independent agency is indeterminate at this time, dependent on legislative budgetary action. Currently, the Office of the Public Records Advocate is a two-person agency. The staff consists of an executive director (PEM G) and a deputy (OPA 4). If funded at the currently level, the Office of the Public Records Advocate's budget would be \$819,399 General Fund, 2 positions, and 2.00 FTE for the 2021-23 biennium. However, with passage of this measure, personal services costs and position/FTE count may increase because the measure makes changes to the position description and authorizes the PRA to hire additional staff. The measure changes the PRA position from unclassified to the exempt service and requires the PRA to be a member in good standing of the Oregon State Bar. In addition, the measure authorizes the PRA to appoint and fix the compensation for a Deputy Public Records Advocate and other professional staff. Officers and employees of the office of the PRA are in the exempt service. Because the measure specifies that the PRA may delegate to the Deputy Public Records Advocate any authority, power or duty to act possessed by the PRA, and the Deputy Public Records Advocate would serve as the acting PRA until a new Public Records Advocate has been appointed, the Deputy PRA may need to be reclass.

Correspondingly, with an increase in staffing, the Office may need an increase in related services and supplies, include an increase in facilities rent.

Because the newly independent Office of the Public Records Advocate will need 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.