

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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Representative Greg Smith, House Co-Vice Chair

Amanda Beitel, Legislative Fiscal Officer
Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

To: General Government Subcommittee
From: Doug Wilson, Legislative Fiscal Office
Date: March 29, 2023
Subject: HB 5021 – Oregon Government Ethics Commission
Work Session Recommendations

Oregon Government Ethics Commission – Agency Totals

	2019-21 Actual	2021-23 Legislatively Approved	2023-25 Current Service Level	2023-25 LFO Recommended
Other Funds	2,824,506	3,312,835	3,441,776	3,926,618
Total Funds	2,824,506	3,312,835	3,441,776	3,926,618
Positions	9	9	9	10
FTE	9.00	9.00	9.00	9.88

The mission of the Government Ethics Commission (OGEC) is to impartially administer and enforce Oregon's government ethics laws. Oregon Government Ethics law, Lobbying Regulation law, and the executive session provisions of Oregon Public Meetings law are within the regulatory jurisdiction of the Commission. The nine-member Commission and its staff educate public officials and lobbyists on government ethics, lobby regulation, and executive session provisions of public meeting laws through online and in-person training. Commission actions range from education to formal sanctions including fines and forfeitures. Over 200,000 public officials are subject to the Commission's jurisdiction with approximately 6,000 public officials and 1,000 lobbyists that must file statements of economic interest.

The agency's funding comes from an assessment model with operating costs equally shared between state agencies and local government entities. State agencies are assessed based upon their number of full-time equivalent positions. Local entities are assessed based upon a formula connected to a Municipal Audit charge collected by the Secretary of State.

Adjustments to Current Service Level

The current service level (CSL) for the Oregon Government Ethics Commission is \$3,441,776 Other Funds. The LFO recommendations includes two policy packages including funding for IT system updates and a new training specialist position.

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 5021. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation to HB 5021, with modifications. (VOTE)

Performance Measures

See attached "Legislatively Proposed 2023-25 Key Performance Measures."

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)

Budget Notes

No Budget Notes Proposed

Recommended Changes

LFO recommends a budget of \$3,926,618 Other Funds, and 10 positions (9.88 FTE), which is reflected in the -1 amendment.

MOTION: I move adoption of the - 1 amendment to HB 5021. (VOTE)

Final Subcommittee Action

LFO recommends that HB 5021, as amended by the –1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move HB 5021, 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	-	-	3,231,509	-	-	-	3,231,509	9	9.00
2021-23 Ebds, SS & Admin Act	-	-	81,326	-	-	-	81,326	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	-	-	3,312,835	-	-	-	3,312,835	9	9.00
2021-23 Leg Approved Budget (Base)	-	-	3,312,835	-	-	-	3,312,835	9	9.00
Summary of Base Adjustments	-	-	(18,955)	-	-	-	(18,955)	-	-
2023-25 Base Budget	-	-	3,293,880	-	-	-	3,293,880	9	9.00
010: Non-PICS Pers Svc/Vacancy Factor	-	-	37,733	-	-	-	37,733	-	-
030: Inflation & Price List Adjustments	-	-	110,163	-	-	-	110,163	-	-
2023-25 Current Service Level	-	-	3,441,776	-	-	-	3,441,776	9	9.00
Adjusted 2023-25 Current Service Level	-	-	3,441,776	-	-	-	3,441,776	9	9.00
Total LFO Recommended Packages	-	-	484,842	-	-	-	484,842	1	0.88
2023-25 Legislative Actions	-	-	3,926,618	-	-	-	3,926,618	10	9.88
Net change from 2021-23 Leg Approved Budget	-	-	613,783	-	-	-	613,783	1	0.88
Percent change from 2021-23 Leg Approved Budget	0.0%	0.0%	18.5%	0.0%	0.0%	0.0%	18.5%	11.1%	9.8%
Net change from 2023-25 Adj Current Service Level	-	-	484,842	-	-	-	484,842	1	0.88
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2021-23 Ebds, SS & Admin Act	-	-	81,326	-	-	-	81,326	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	-	-	3,312,835	-	-	-	3,312,835	9	9.00
2021-23 Leg Approved Budget (Base)	-	-	3,312,835	-	-	-	3,312,835	9	9.00
Summary of Base Adjustments	-	-	(18,955)	-	-	-	(18,955)	-	-
2023-25 Base Budget	-	-	3,293,880	-	-	-	3,293,880	9	9.00
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Package 101 EFS-CMS System Updates

Package Description This \$259,740 Other Funds (onetime) package funds the upgrade of the current Electronic Filing System (EFS) and the current Case Management System (CMS) to benefit OGEC and all required filers. The EFS allows public officials to file verified Statements of Economic Interest online and lobbyists to register with the Commission and file their quarterly expenditure reports. The CMS provides information on the complaint process for alleged ethics, lobbying or executive sessions violations and provides a centralized location for complaint related documents. The primary focus of this upgrade is to establish a bridge between the two systems and to make system improvements for increased system functionality. Approval of this package will result in a one-time increase in the assessment paid by state agencies, public universities, and local jurisdictions.

LFO Recommendation Approve the package.

LFO Recommended	-	-	259,740	-	-	-	259,740	-	-
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Package 102 Training & Development Specialist 2

Package Description This \$225,102 Other Funds package establishes a new permanent full-time Training and Development Specialist 2 position (0.88 FTE) to increase the capacity of the Commission to provide trainings and advice to public officials, lobbyists and the public. One driving factor is the transition to online training during the pandemic which increased participation. One result of this participation growth is the increase in questions and advice requests and complaints. This position will assist in meeting this increasing demand in services as well as developing additional training objectives and structures. Approval of this package will result in an ongoing increase in the assessment paid by state agencies, public universities, and local jurisdictions.

LFO Recommendation Approve the package.

LFO Recommended	-	-	225,102	-	-	-	225,102	1	0.88
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Legislatively Proposed 2023 - 2025 Key Performance Measures

Published: 3/23/2023 2:41:17 PM

Agency: Government Ethics Commission

Mission Statement:

The Oregon Government Ethics Commission will impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in achieving its mission. The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
1. Percentage of statutory time limit used for preliminary reviews, investigations, staff opinions and Commission advisory opinions.		Approved	79%	90%	90%
2. Quality of investigations completed through peer review.		Approved	4.87	5	5
3. Training Program's Effectiveness - Percentage of wrong answers by training participants on questions after training compared to the percentage of wrong answers prior to training.		Approved	70%	75%	75%
4. Minimize Case Disposition Costs - Percentage of contested cases settled before hearing.		Approved	100	100	100
5. Customer Service - Percentage of customers rating their satisfaction with agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Overall	Approved	86	95	95
	Accuracy		88	90	90
	Timeliness		90	90	90
	Helpfulness		86	95	95
	Expertise		91	95	95
	Availability of Information		88	90	90
6. Governance Best Practices - Percent of total best practices met by the commission.		Approved	100	100	100

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the proposed Key Performance Measures and targets.

SubCommittee Action: