

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 2805 - 1**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

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

Prepared by: Michael Graham  
Reviewed by: Doug Wilson, Paul Siebert  
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**Measure Description:**

Provides that use of serial electronic written communication or use of intermediaries to communicate may constitute meeting of governing body subject to public meetings law if other specified conditions are satisfied. Increases Other Funds expenditure limitation for the Oregon Government Ethics Commission.

**Government Unit(s) Affected:**

Oregon Government Ethics Commission

**Summary of Fiscal Impact:**

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

**Summary of Expenditure Impact:**

	2023-25 Biennium	2025-27 Biennium
<b>Oregon Government Ethics Commission</b>		
<b>Other Funds</b>		
Personal Services	\$775,643	\$814,425
Services and Supplies	\$589,664	\$194,406
<b>Total Other Funds</b>	<b>\$1,365,307</b>	<b>\$1,008,831</b>
<b>Total Fiscal Impact</b>	<b>\$1,365,307</b>	<b>\$1,008,831</b>
<i>Total Positions</i>	5	5
<i>Total FTE</i>	3.75	5.00

**Analysis:**

House Bill 2805, as amended by the -1 amendments, increases the Other Funds expenditure limitation in the Oregon Government Ethics Commission’s (OGEC) budget bill (Enrolled House Bill 5021) by \$1,365,307 in the 2023-25 biennium. The measure specifies the use of serial written communication or the use of intermediaries to communicate, for purposes of the Oregon Public Meetings Law (OPML), may constitute a quorum of a governing body under certain circumstances. However, the OPML would not apply to communications among members of a governing body that are: (1) purely factual or educational and convey no deliberation or decision on matters that may come before the body; (2) not related to any matter that could be reasonably foreseen to come before the governing body for deliberation; or (3) non-substantive in nature. The measure also directs OGEC to provide or arrange for annual training on public meetings law and best practices and compels attendance by members of some governing bodies. The measure expands OGEC’s responsibilities related to the oversight of the OPML, including receiving reports of alleged violations and investigating such reports. The measure takes effect 91 days after adjournment *sine die*.

To implement the measure, OGEC anticipates needing five additional positions (3.75 FTE), which include:

- One Administrative Specialist 2 (0.75 FTE) to assist in processing the expected increase in complaints and public records requests;
  - Two Compliance Specialists 2 (1.50 FTE) to investigate complaints and assist with advice and guidance;
- and

- Two Program Analyst 1 (1.50 FTE) to assist with the increased volume of training and requests for advice and guidance.

OGEC also estimates that it will need additional space for these positions and thus will need to move to a new location or expand in their current location, which will require remodeling. The moving and construction costs are estimated to be \$400,000 Other Funds in the 2023-25 biennium. The total estimated fiscal impact to OGEC, including position-related services and supplies costs, is \$1,365,307 Other Funds in 2023-25 and \$1,008,831 Other Funds in 2025-27.

The fiscal impact of this measure is not factored into the current assessment rate for OGEC, so the rate charged to state agencies and local jurisdictions will need to be increased, presumably in the end-of-session assessment adjustments included in the omnibus budget bill. The charged assessment rate is anticipated to increase from approximately \$25 per FTE to approximately \$35 per FTE for state agencies each biennium.