

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 2805**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Tim Walker
 Reviewed by: Doug Wilson
 Date: 03/10/2023

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.

Government Unit(s) Affected:

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

Analysis: For the purpose of public meetings law, This measure specifies that the use of serial written communication or the use of intermediaries to communicate, may constitute a quorum of a governing body under certain circumstances. The bill clarifies that public meetings law does 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) nonsubstantive in nature. The measure also directs the Oregon Government Ethics Commission (OGEC) to provide or arrange for annual training on public meetings law and best practices, and compels attendance by members of some governing bodies. Finally, the bill expand OGEC’s responsibilities related to the oversight of public meetings law including receiving reports of alleged violations and investigating such reports.

OGEC anticipates needing five additional positions (3.75 FTE) including:

- 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 increased volume of training and increase requests for advice and guidance.

OGEC also estimates that it will need additional space for these positions and will require to move to a new location or to expand in their current location which will require remodeling. The moving and construction costs are estimated to be \$400,000 Other Funds.

The fiscal impact of this bill 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.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on OGEC's budget and assessment rate.