

NATURAL RESOURCES SUBCOMMITTEE ORIENTATION

January 2025

April McDonald, Principal Legislative Analyst



LEGISLATIVE FISCAL OFFICE

Legislative Fiscal Office

- Non-partisan, independent, permanent professional support office to the Legislature that was created in 1959
- Mission is to promote state fiscal accountability by:
 - Providing comprehensive research, analysis, and recommendations on the state's biennial budget
 - Evaluating state expenditures, program administration, and agency organization
 - Assisting in development of the Legislature's adopted balanced budget
 - Preparing fiscal impact statements on legislative measures
 - Publishing detailed analyses, summary documents, and briefs on budget-related topics
- Provides staff to the Joint Committee on Ways and Means plus several other legislative committees
- Staff consists of a Director, two Deputy Directors, 22 Analysts, a Committee Manager, and an Administrative Specialist

LFO Session Responsibilities

- Review, analyze, and make recommendations on agency budgets
 - Review budgets for accuracy
 - Analyze fiscal and policy issues
 - Examine revenue sources, expenditure limitations, expenditure patterns, staffing levels, and proposed law changes
 - Review impact of budget reductions or enhancements
 - Make recommendations on agency budget bills, budget reports, budget notes, and key performance measures
- Facilitate bill amendments, budget report finalization, and presentation of Ways and Means Subcommittee decisions for the Full Ways and Means Committee
- Assist bill carriers on the House and Senate floors
- Respond to questions and collect information requested by legislators

Fiscal Impact Statements

- An analysis of the budgetary impact of proposed legislation
 - Expenditures (costs and savings)
 - Revenues (gain or loss)
 - Staffing (positions/FTE)
- A tool to inform legislators
- A document that is required, by statute and House and Senate rules, for bills reported out of committee
- An early warning to help ensure a balanced budget

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 1541



Legislative Fiscal Office
82nd Oregon Legislative Assembly
2024 Regular Session

Prepared by: Emily Coates
Reviewed by: Amanda Beitel, John Borden, Paul Siebert
Date: February 6, 2024

Bill Title: Relating to judicial positions; prescribing an effective date.

Government Unit(s) Affected: Counties, Judicial Department, Secretary of State

Summary of Fiscal Impact

2023-25 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Judicial Department	\$ 1,911,049	\$ -	\$ -	\$ -	\$ 1,911,049	14	6.00
Total Fiscal Impact	\$ 1,911,049	\$ -	\$ -	\$ -	\$ 1,911,049	14	6.00

2025-27 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Judicial Department	\$ 4,708,857	\$ -	\$ -	\$ -	\$ 4,708,857	15	15.00
Total Fiscal Impact	\$ 4,708,857	\$ -	\$ -	\$ -	\$ 4,708,857	15	15.00

Measure Description

The measure increases the number of statutory circuit court judgeships by three in the following three judicial districts. Statewide, the total number of statutory circuit court judgeships under the measure would increase from 179 to 182 positions. Under this measure, statutory circuit court judgeships would be added to:

- First Judicial District (Jackson County) - increases the number of judgeships from ten to eleven (1); effective July 1, 2024.
- Twentieth Judicial District (Washington County) - increases the number of judgeships from fifteen to sixteen (1); effective July 1, 2024.
- Fifth Judicial District (Clackamas County) - increases the number of judgeships from eleven to twelve (1); effective July 1, 2025.

The fiscal impact associated with establishing a statutory circuit court judgeship may include: (a) the cost of the judgeship position; (b) circuit court support staff; (c) county courthouse and/or facility costs for judge chambers, court staff, and potentially an additional courtroom; and (d) election cost.

Fiscal Analysis

The total fiscal impact is estimated to be \$1.9 million General Fund, 14 positions (6.00 FTE) for the 2023-25 biennium and \$4.7 million General Fund, 15 positions (15.00 FTE) for the 2025-27 biennium.

Oregon Judicial Department

The fiscal impact of the measure on the Oregon Judicial Department (OJD) is \$1.9 million General Fund, 14 positions (6.00 FTE) for the 2023-25 biennium and \$4.7 million General Fund, 15 positions (15.00 FTE) for the 2025-27 biennium.

Only impacts on original or engrossed versions are considered official

Page 1 of 2

LFO Interim Responsibilities

- Analyze and make recommendations on agency requests to the Emergency Board and Interim Joint Committee on Ways and Means
- Publish highlights report of session budgetary actions and detailed analysis reports of the legislatively adopted budget by agency and program
- Publish briefs and reports on budget-related topics and issues of interest to the Legislature
- Review state agency budget execution and operations
- Monitor agency expenditures and program implementation
- Respond to inquiries from legislators, press, agencies, citizens, NCSL, etc.

Other Committees Staffed by LFO

- **Emergency Board** is a constitutional body responsible for making certain allowable budget adjustments when the Legislature is not in session.
- **Joint Legislative Audit Committee** is responsible for reviewing audits, conducting evaluations, and making recommendations for change based on audit findings.
- **Joint Legislative Committee on Information Management and Technology** is responsible for establishing statewide policy on information systems and technology and making recommendations on information resource management programs and information technology acquisitions.
- **Transparency Oregon Advisory Commission** is responsible for making recommendations to the Department of Administrative Services on the creation, contents, operations, and enhancements to the state's transparency website.

STATE OF OREGON BUDGET

Balanced Budget

- **Legislature has a constitutional responsibility to balance the budget**
- **Article IX, Section 2: Legislature to provide revenue to pay current state expenses and interest**
 - The Legislative Assembly shall provide for raising revenue sufficiently to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any.
- **Article IX, Section 4: Appropriation necessary for withdrawal from treasury**
 - No money shall be drawn from the treasury, but in pursuance of appropriations made by law.
- **Article IX, Section 6: Deficiency of funds; tax levy to pay**
 - Whenever the expenses, of any fiscal year, shall exceed the income, the Legislative Assembly shall provide for levying a tax, for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year.

Budget Principles

- Balancing estimated revenues and proposed expenditures.
- Allocating resources to achieve desired outcomes and measuring progress toward desired outcomes.
- Providing accountability at all levels for meeting program outcomes.
- Encouraging savings and investments that reduce or avoid future costs.
- Planning for the short-term and the long-term, using consistent assumptions for demographics and trends.

Budget Fund Types

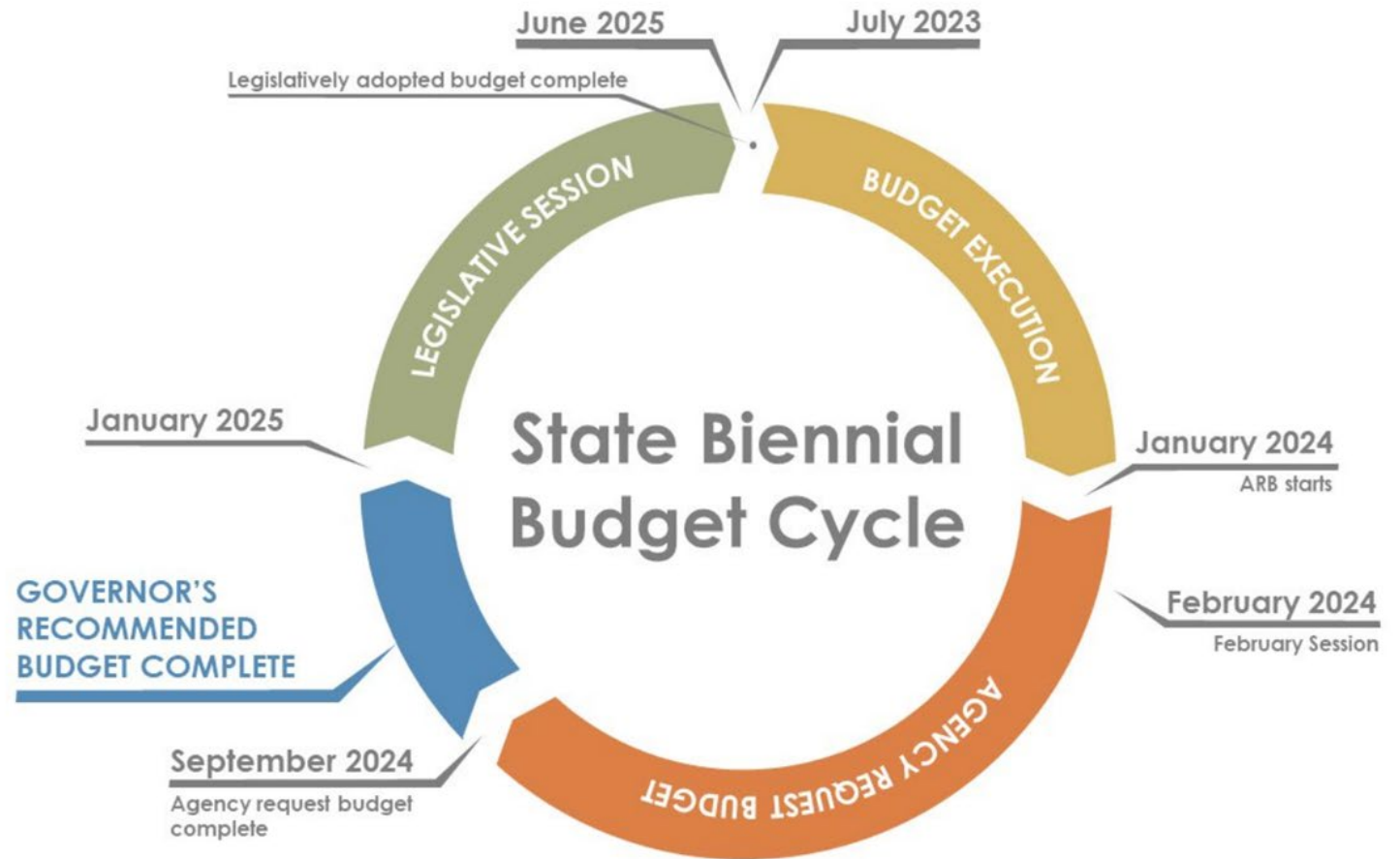
- **General Fund** appropriation
 - Primarily personal and corporate income taxes, estate and inheritance taxes, corporate excise taxes; other (i.e., liquor revenue)
- **Lottery Funds** allocation
 - Generated through traditional, sports betting, and video lottery gaming, as well as associated interest
 - Dedicated to economic development, public education, parks/native fish and wildlife habitat, veterans
- **Other Funds** limitation
 - Fees, interest earnings, dedicated fee or tax revenue (9-1-1 tax, forest harvest tax, vehicle and gas tax, marijuana revenue, corporate activities tax), bond proceeds
 - Dedicated by law for specific purposes
 - Limited and Nonlimited
- **Federal Funds** limitation
 - Grants, formula funds from federal agencies such as HUD, HHS
 - Dedicated by law for specific purposes
 - Limited and Nonlimited

Budget Expenditure Categories

- **Personal Services** includes personnel costs (wages, PERS, benefits, social security, etc.)
- **Services and Supplies** includes operation costs (travel, office supplies, rent, legal expenses, expendable property, contracts, etc.)
- **Special Payments** includes transfers and payments to other agencies or external entities (grants and loans)
- **Capital Outlay** includes products with value of more than \$5,000, life of more than two years, used more than once
- **Capital Improvement** includes construction, remodel, improvement costs of less than \$1 million
- Major Construction/Acquisition (or **Capital Construction**) includes construction, remodel, improvement costs of more than \$1 million; established for a six-year period
- **Debt Service** includes principal and interest payments on bonds and certificates of participation
- Budget also tracks **positions and FTE** (full-time equivalent)

BUDGET PROCESS

- Oregon budgets on a biennial basis: July 1st of odd-numbered year to June 30th of next odd-numbered year
- Budget development process includes three phases:
 - Agency Request Budget
 - Governor's Budget
 - Legislatively Adopted Budget



DAS Chief Financial Office 2025-27 Budget & Legislative Concepts Instructions – March 2024

Agency Request Budget

- Budget development begins early in even-numbered years.
- The Department of Administrative Services Chief Financial Office provides instructions to agencies, including timelines, inflation factors, forms, and the price list of goods and services.
- Agency request budget components:
 - Current service level (CSL) budget
 - Policy option packages
- Agencies are required to submit their agency request budget documents before September 1.

CURRENT SERVICE LEVEL

- CSL is built from the base budget plus essential packages.
- **Base budget** is the prior biennium legislatively approved level with adjustments for the cost of permanent positions and debt service.
- **Essential packages** adjust for program phase-ins, one-time costs, inflation, mandatory caseloads, and projected revenue shortfalls.
- Personal services growth for ongoing positions
- Debt service adjustments
- Phase-in the full cost of new programs that did not operate for the entire 2023-25 biennium (roll-up costs)
- Phase-out savings for programs that will be discontinued or were approved as one-time in the prior biennium
- Standard inflation
 - Services and supplies (4.2%)
 - Medical costs (5.6%)
 - Non-state employee personnel costs (6.8%)
- Mandated caseload increases or decreases
- Fund shifts
- Technical adjustments

Governor's Budget

- Requirements for the Governor's Budget are outlined in ORS 291.216 and include:
 - Message from the Governor describing recommendations and important features of the budget, with reference to the fiscal policy of the state.
 - Budget summary that shows total expenditures are balanced to available revenues.
 - Explanatory schedules or statements classifying expenditures by program units, objects, and funds; income by organization units, sources and funds; and the proposed amount of new borrowing, taxes, or other revenues.
- Governor's Budget is balanced based on the DAS Office of Economic Analysis December revenue forecast released in even-numbered years.
- The Governor's Budget is required to be transmitted to the Legislature by December 1 of even-numbered years. In the case of a new Governor-elect, the transmittal date is delayed to February 1.

LEGISLATIVE SESSION

- Biennial state budget is adopted during the long legislative session.
- Adopted budget is balanced based on the DAS Office of Economic Analysis May revenue forecast released in odd-numbered years.
- Final legislatively adopted budget is the total of agency budget bills, omnibus budget bills, and policy bills with an appropriation.

1. Governor's Budget becomes public (Dec. 1 or Feb. 1)

2. LFO works with legislative leaders and Ways & Means co-chairs to prepare for session budget review and deliberations

3. Leaders and co-chairs set priorities and timelines for session

4. LFO provides information and makes recommendations on budget issues and options

5. Subcommittees meet and make recommendations to Full Ways and Means Committee

6. Full Ways and Means begins final budget balance in May

7. Legislature approves final budgets and adjourns sine die

Appropriation Bills

- Appropriation bills are the budgetary control
- Appropriation bills are session law (Oregon Laws)
- Article IX, Section 7, Oregon Constitution limits appropriation bills to state current expenses (no other subject allowed)
- Appropriation bills are by fund type and may be total agency or detailed to program within agency
- Appropriation bills are not detailed to the expenditure category level

82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

Enrolled
Senate Bill 5510

Introduced and printed pursuant to House Concurrent Resolution 23 (2023) (at the request of Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to the financial administration of the State Department of Geology and Mineral Industries; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. There are appropriated to the State Department of Geology and Mineral Industries, for the biennium beginning July 1, 2023, out of the General Fund, the following amounts, for the following purposes:

- (1) Geological survey..... \$ 7,154,908
- (2) Mined land reclamation..... \$ 2,000,000

SECTION 2. Notwithstanding any other law limiting expenditures, the following amounts are established for the biennium beginning July 1, 2023, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds for contract services, but excluding lottery funds and federal funds not described in this section, collected or received by the State Department of Geology and Mineral Industries, for the following purposes:

- (1) Geologic survey..... \$ 2,510,818
- (2) Mined land reclamation..... \$ 4,844,674

SECTION 3. Notwithstanding any other law limiting expenditures, the amount of \$5,522,133 is established for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses from federal funds other than those described in section 2 of this 2023 Act, collected or received by the State Department of Geology and Mineral Industries.

SECTION 4. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect July 1, 2023.

Budget Reports

- Accompany appropriation bills or policy bills with appropriations
- Provide details on legislative action and intent for a budget bill or a policy bill with a budgetary impact (will have expenditure category detail), but do not have the force of law
- Contain detailed information on approved policy option packages and adjustments to current service level
- Include position authorization and full-time equivalents
- Approved Key Performance Measures and targets are attached to the budget report

81st Oregon Legislative Assembly – 2021 Regular Session	
HB 5010 A BUDGET REPORT and MEASURE SUMMARY	Carrier: Rep. Reardon, Rep. Smith DB
Joint Committee On Ways and Means	
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Action Date:	03/19/21
Action:	Do pass with amendments. (Printed A-Eng.)
<u>House Vote</u>	
Yeas:	11 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Smith G, Sollman, Stark
<u>Senate Vote</u>	
Yeas:	11 - Anderson, Frederick, Girod, Golden, Gorsek, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen
Exc:	1 - Hansell
Prepared By:	Renee Klein, Department of Administrative Services
Reviewed By:	John Terpening, Legislative Fiscal Office
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Department of Geology and Mineral Industries	
2021-23	

BUDGET NOTES

- Provide direction to an agency, but do not have the force of law
- Included in the budget report
- Must be approved for inclusion by the Co-Chairs of the Full Ways and Means Committee.

Examples of budget notes:

Budget Note:

The Department of the State Fire Marshal is directed to work collaboratively with the Department of Administrative Services Chief Financial Office and Legislative Fiscal Office to develop a more detailed agency appropriation structure for its biennial budget bill. At a minimum, this structure shall detail the expenditures derived from fee-based revenue versus expenditures derived from General Fund deposited in a fund. This new budget structure shall be recommend and prepared prior to the 2025 legislative session.

Budget Note:

The Department of Education's Early Learning Division shall report to the Interim Committee on Joint Ways and Means on the ongoing cashflow for the Child Care Development Fund (CCDF). The report must include information regarding actual and estimated expenditures and what the expenditures are for; a projection of the cashflow of the CCDF for 2021-23 and 2023-25 including ending balances; a plan for how any undesignated expenditures will be used; and if there are potential cashflow issues in the future, alternatives to close any gaps between estimated expenditures and CCDF resources.

Budget Basics – “Budget Math”

Agency Budget Bill

- + Omnibus Budget Reconciliation (Emergency Fund) Bill
- + Capital Construction Bill
- + Policy Bills (*with an appropriation*)

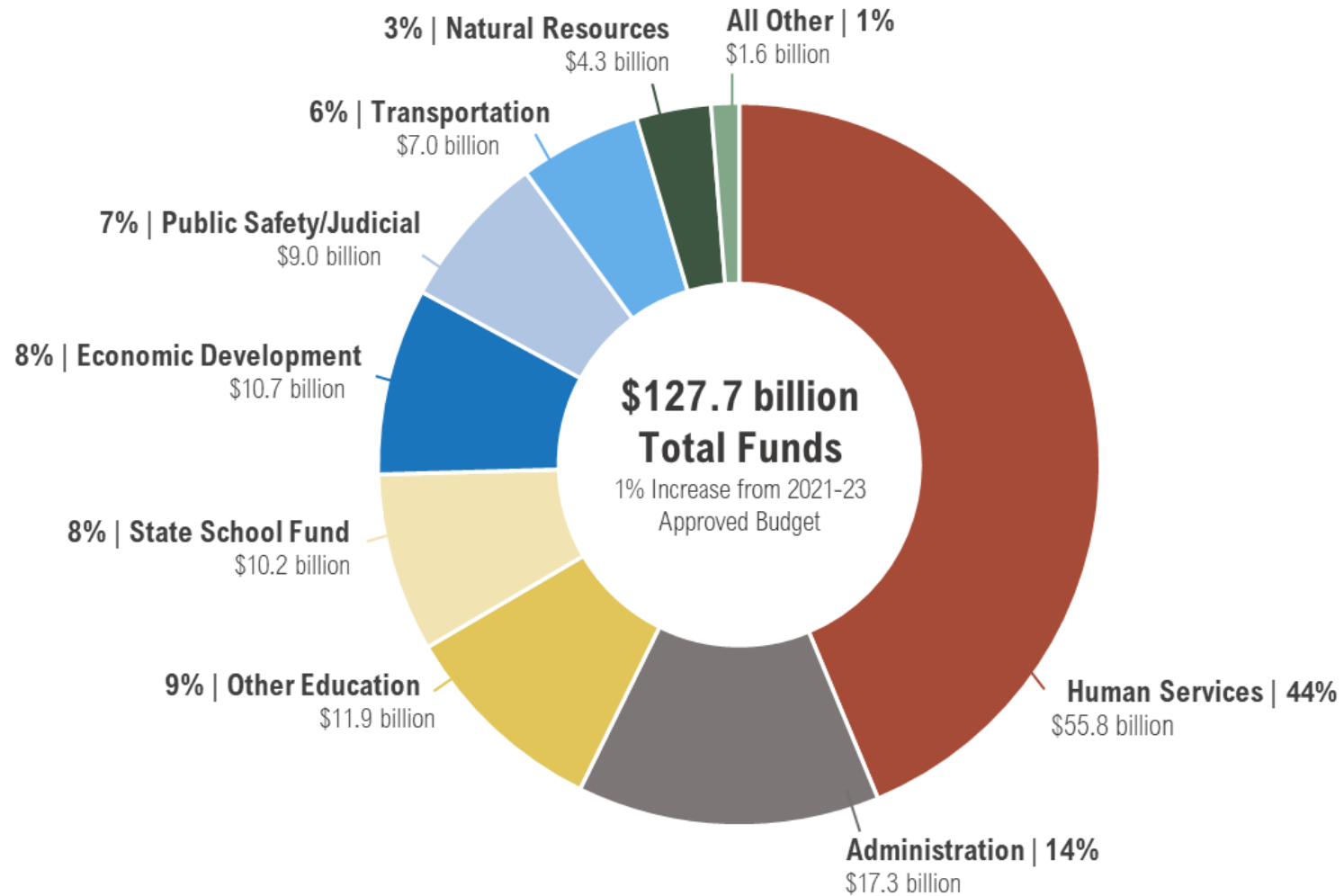
= Legislatively Adopted Budget (LAB)

- + February Session and/or Special Session Actions
- + Emergency Board Actions

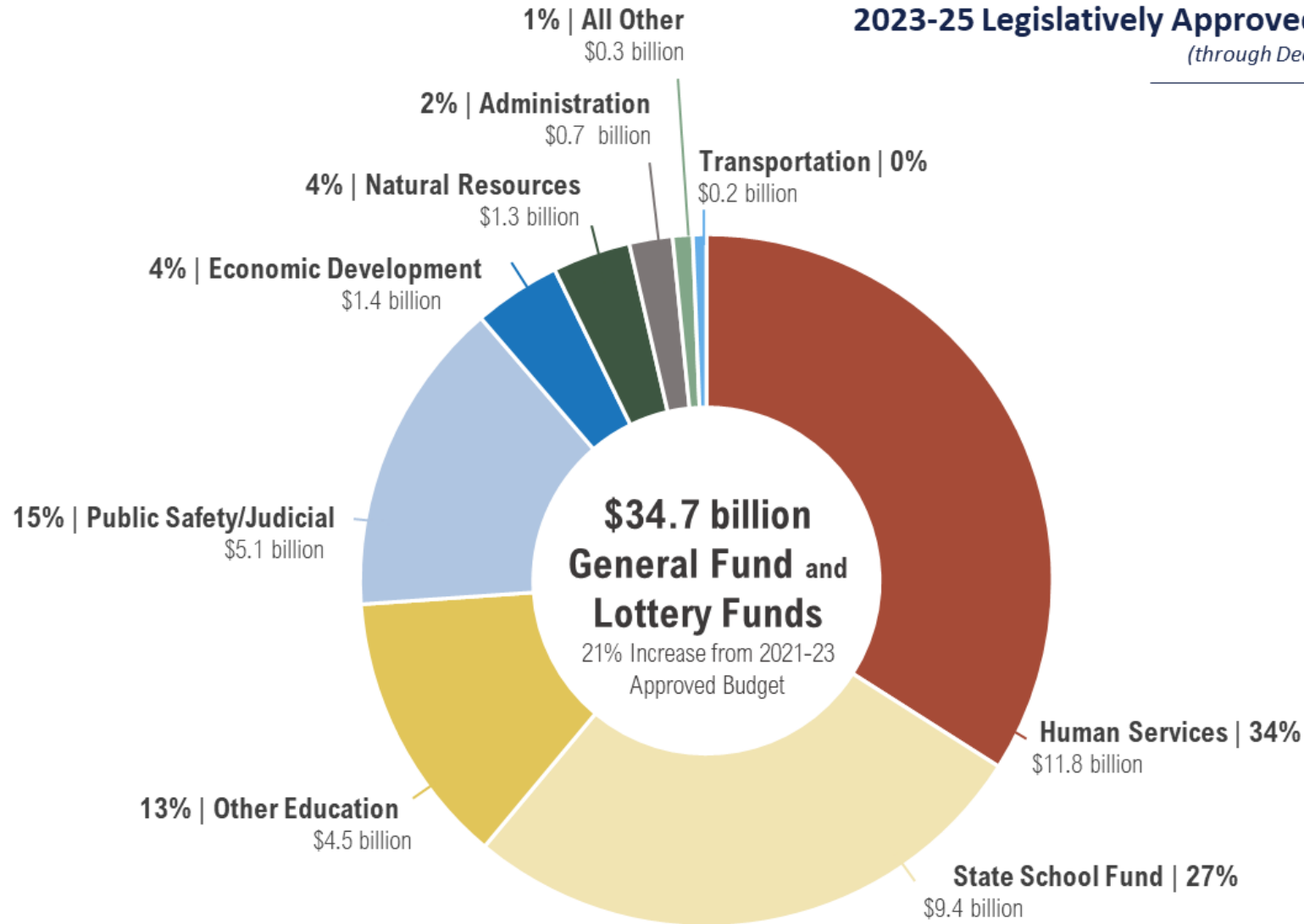
= Legislatively Approved Budget (LAB)

2023-25 Legislatively Approved Budget

(through December 2024)

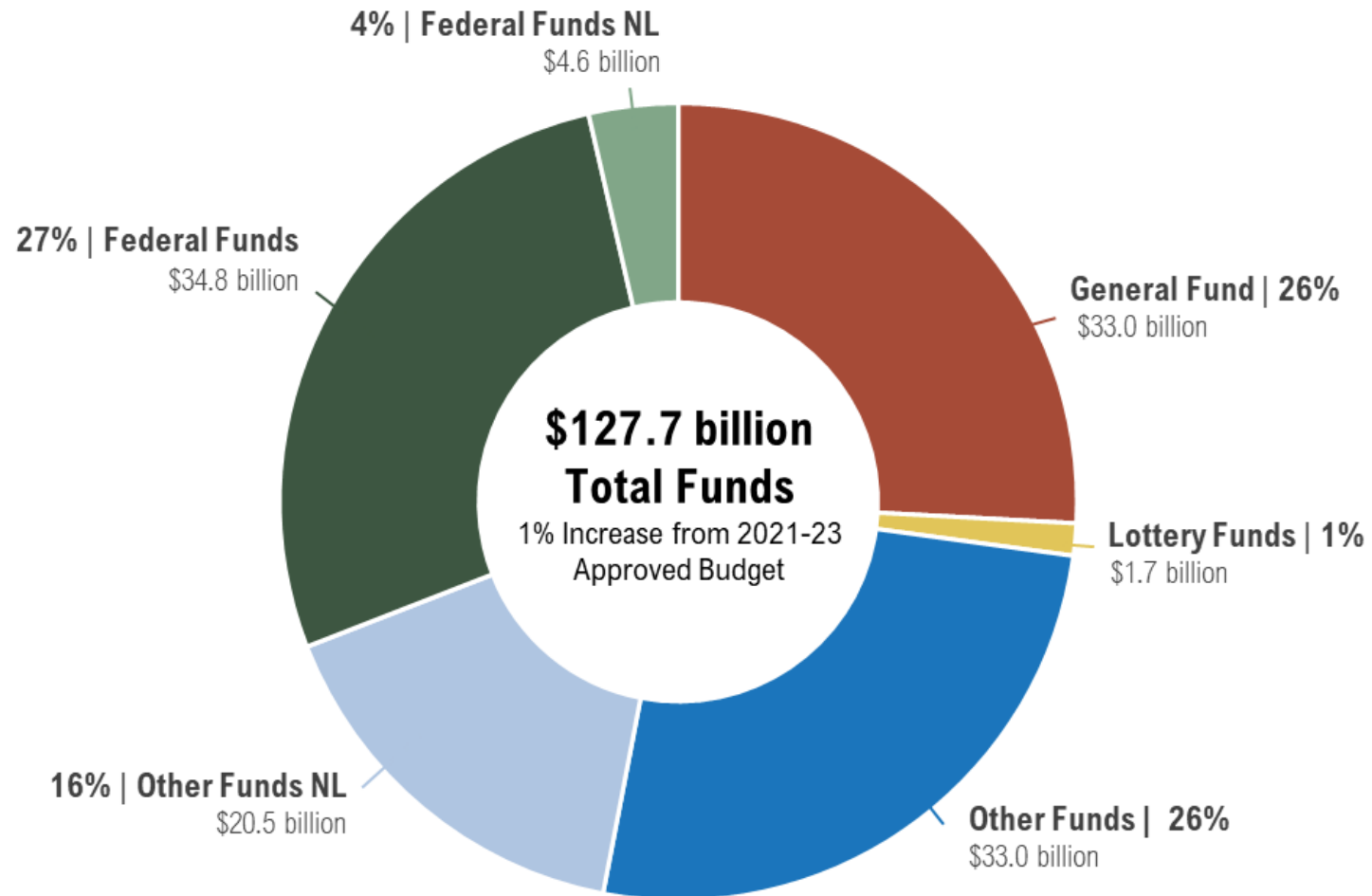


2023-25 Legislatively Approved Budget
(through December 2024)



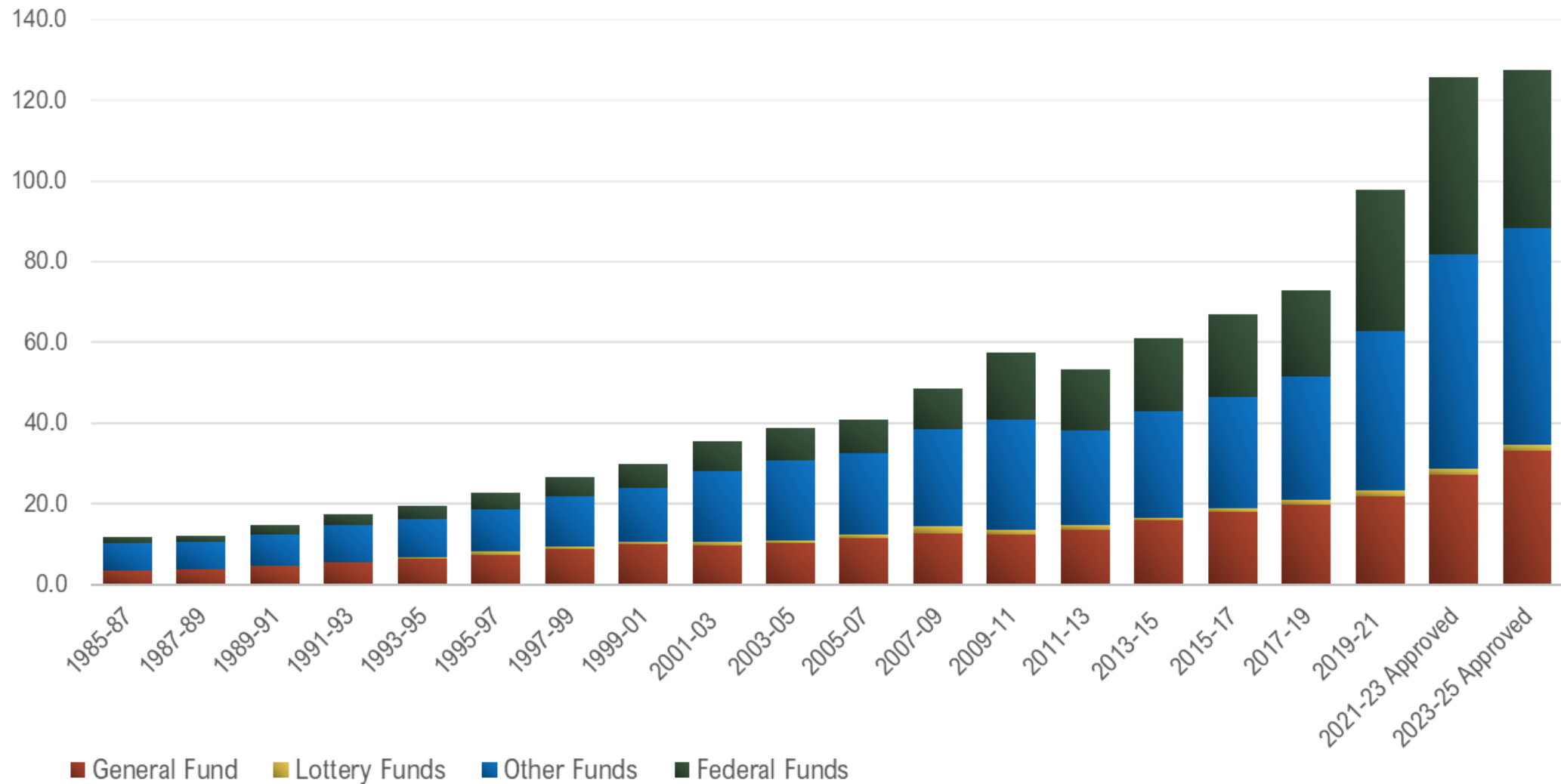
2023-25 Legislatively Approved Budget

(through December 2024)



Oregon Budget History

(\$ billions)



Budget Expenditure Drivers

- Population and Demographics
- Inflation
- Health Care Costs
- Mandated Caseloads
- Federal Policy Changes
- Lawsuits
- Initiatives
- State employee compensation
- Public Employees Retirement System
- Rollup Costs
- Replacement of One-Time Revenues
- State Policy Decisions

Reserve Funds

EDUCATION STABILITY FUND

- Established in 2002 through a constitutional amendment to convert an existing education endowment fund to a reserve fund.
- Funded with 18% of net lottery proceeds (capped at 5% of the amount accrued in General Fund revenues in the prior biennium).
- Requires 3/5 majority vote of each chamber and must be spent on public education (K-12 and post-secondary).
- **\$1 billion** projected balance at the end of the 2023-25 biennium.

RAINY DAY FUND

- Established by the Legislature in 2007 as a general-purpose reserve fund.
- Receives transfers of up to 1% of General Fund appropriations each biennium (from the General Fund ending balance).
- Use in a biennium is limited to 2/3 of the amount in the fund at the beginning of the biennium and requires 3/5 majority vote of each chamber to access.
- **\$1.9 billion** projected balance at the end of the 2023-25 biennium.

2025-27 Tentative Budget

- Based on the December 2024 revenue forecast, a General Fund and Lottery Funds tentative budget surplus of approximately **\$767 million** is currently estimated for the 2025-27 biennium, assuming:
 - Extension of Hospital and Insurer Taxes.
 - State School Fund at current service level of \$11.4 billion total funds.
 - An ending balance of 1% of expenditures for the Rainy Day Fund.
- Tentative Budget estimate does not include:
 - Continuation of one-time funding approved in the current biennium, including investments in housing and homelessness, summer learning, deflection, and other programs.
 - Transportation revenue shortfall.

NATURAL RESOURCES SUBCOMMITTEE

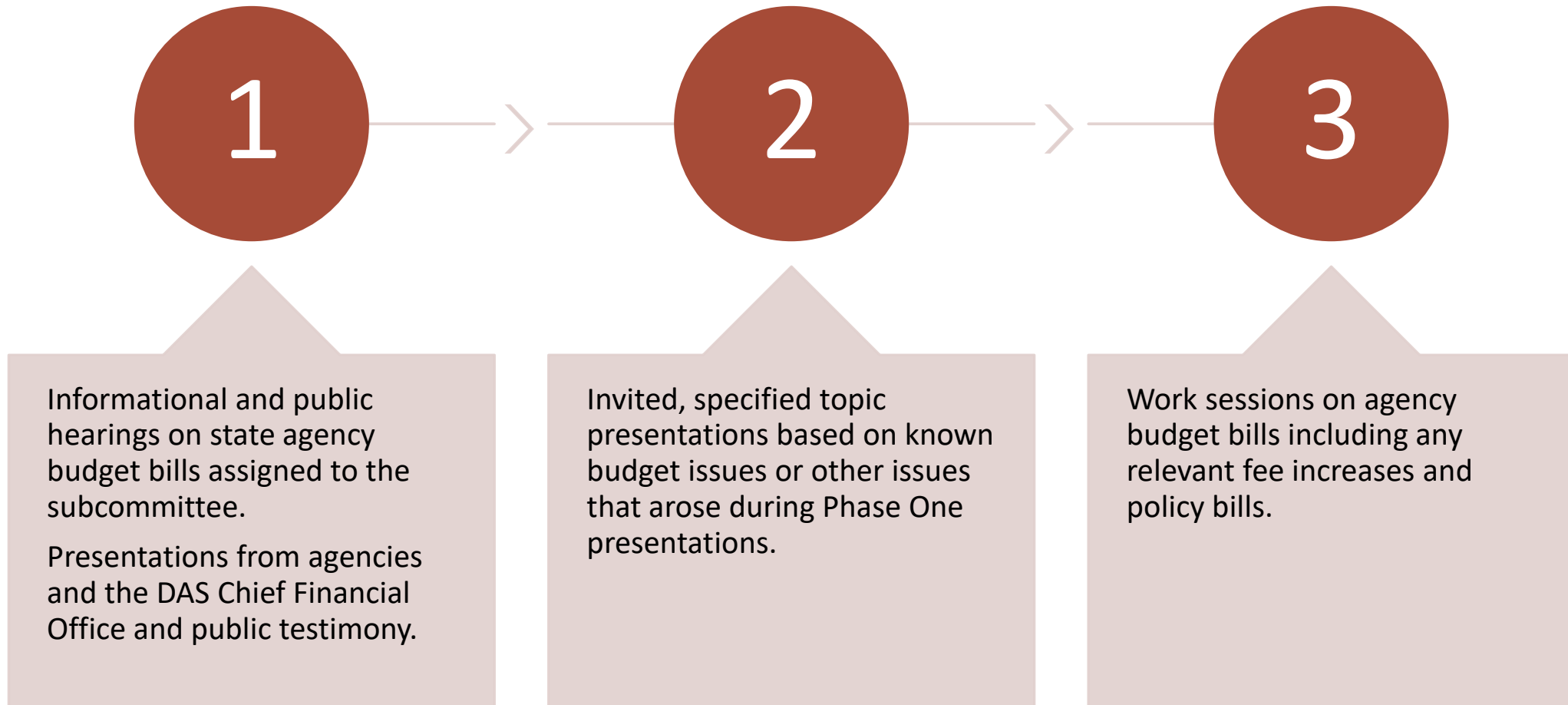
Subcommittee Process

- Subcommittees follow the rules adopted by the Full Ways and Means Committee.
- An affirmative vote of a majority of the appointed members of each chamber on the subcommittee is needed to advance a measure to the Full Ways and Means Committee.
- A subcommittee does not have the power to table or hold legislation or an agenda item but must report it back to the Full Committee for consideration.
- The Full Committee Co-Chairs may attend subcommittee meetings to meet quorum requirements for their respective chamber and/or vote when in attendance.

Subcommittee Responsibilities

- Appropriation Bills
 - Agency Budget Presentations
 - Recommendations to the Full Ways and Means Committees on budget bill, key performance measures, and budget notes
 - Budget report
- Fee Related Bills
- Policy Bills with a budgetary impact
- Federal Grant Requests
- Reports

Budget Process Phases



Informational and Public Hearings

- Review materials posted to Oregon Legislative Information System (OLIS).
- Focus on agency operations, budget drivers, staffing, and performance metrics, not just new budget requests.
- Consider the degree of consistency between agency operations and the agency's current law budget; consider interdependencies with other agencies or entities.
- Focus on understanding revenue and the sources of Other Funds and Federal Funds, including any matching funds requirements.
- Evaluate administrative costs and how such costs are split between fund-types.
- Evaluate agency responsiveness to prior legislative direction, investments, and audits findings.
- Note for the subcommittee co-chairs issues or programs that require more in-depth follow-up.

Considerations for New Investments

Purpose	<ul style="list-style-type: none">• Why is the request/proposal necessary?• How will the request solve the problem or seize the opportunity?• What are the expected outcomes?• Does request align with agency/program mission?• What actions have been taken to prepare for, offset, or mitigate the need for the request?• What are the risks/consequences if the request is not approved?• What would make the request unnecessary?
Scope & Urgency	<ul style="list-style-type: none">• What are the key deadlines for work and funding?• Can the work of the request be combined or aligned with an existing activity?• What are the consequences of delaying the work/denying the request?
Accountability & Stakeholders	<ul style="list-style-type: none">• Who will carry out the work? Who else could perform the work?• Have all interested and affected parties been reached for input?• Who supports or opposes the request?• Who could/will partner with agency/program to do the work?• Will the work serve the entire state or only specific region(s) of the state.• How will this budget allocation address disparities in access to services across different regions?
Means (Process, Resources & Performance Indicators)	<ul style="list-style-type: none">• What resources are needed? What existing resources can be leveraged?• What are the assumptions, constraints, uncertainty, and risks of the request?• Are there alternative approaches to achieving the same goals that could be more cost-effective?• What data is available to demonstrate the effectiveness of this proposal in achieving its intended outcomes?

Continued Funding or Reductions

Evaluation & Reporting	<ul style="list-style-type: none">• What is the definition/evidence of success/effectiveness? Is the investment achieving its intended outcomes?• What was the mechanism used to monitor outcomes? What were the gaps in monitoring?• Were resources under/over-used or duplicated?• If investment underperformed? Why? Is there a lessons learned document?• Are there any needs for modification, change, or re-design to improve the program?• What should be done differently?• What data is available to assess the potential impact of reducing funding for this activity/program?• What mechanisms are in place to monitor and assess the implementation of potential reductions?• What actions is the agency taking to create savings, contain costs, improve services, or create other efficiencies?
Scope & Urgency	<ul style="list-style-type: none">• What is the impact of this proposed reduction on services and populations? How can the impact be mitigated?• What priorities should we focus on to offset or mitigate the impact of this proposed reduction?• Will this proposed reduction disproportionately impact specific demographics or geographic areas?• Is the agency willing to give up anything else in exchange for this proposed reduction?
Adjustments & Improvement	<ul style="list-style-type: none">• Which existing programs (or components of programs) should be adjusted because they are not sufficiently effective to justify their cost? Can the program realistically be fixed? Can it become effective at a reasonable cost?• Which existing programs should be considered for closure because their outcomes are not sufficient to justify the cost?• What can we invest in to increase efficiency?• What services/contracts can be renegotiated?• What activities/services are not essential?• What activities can be suspended or reduced with minimal impact?

Work Sessions

- The subcommittee will take action on Legislative Fiscal Office recommendations for the agency's primary budget measure, any associated fee measure, budget notes, and Key Performance Measures.
- LFO's recommendation memo and report from the Oregon Budget Information Tracking System (ORBITS) will be available on OLIS prior to the meeting.
- The subcommittee will adopt an amendment to the primary budget measure that reflects the LFO recommendation.
- Subcommittee recommendations will advance to the Joint Committee on Ways and Means and then both chambers.

CAPITAL BUDGETING

- Bonds are issued as a method of long-term financing for:
 - State facility capital construction projects
 - Information technology projects
 - Grant and loan programs that support local infrastructure
- Agency budget bills recommended by the Natural Resources Subcommittee may include funding for deferred maintenance and capital improvement but will not include bond-financed or capital construction expenditures.
- Bond financing and capital construction requests are approved in three omnibus bills recommended by the Capital Construction Subcommittee.
 - **Bond Bill** - Authorizes the issuance of bonds by the state for the biennium.
 - **Lottery Bond Bill** – Authorizes the project amounts financed with lottery bonds.
 - **Capital Construction Bill** – Establishes six-year expenditure limitation for new capital construction projects.

Subcommittee Best Practices

Review
Materials

Attend
Meetings

Ask
Questions

Communicate

Vote

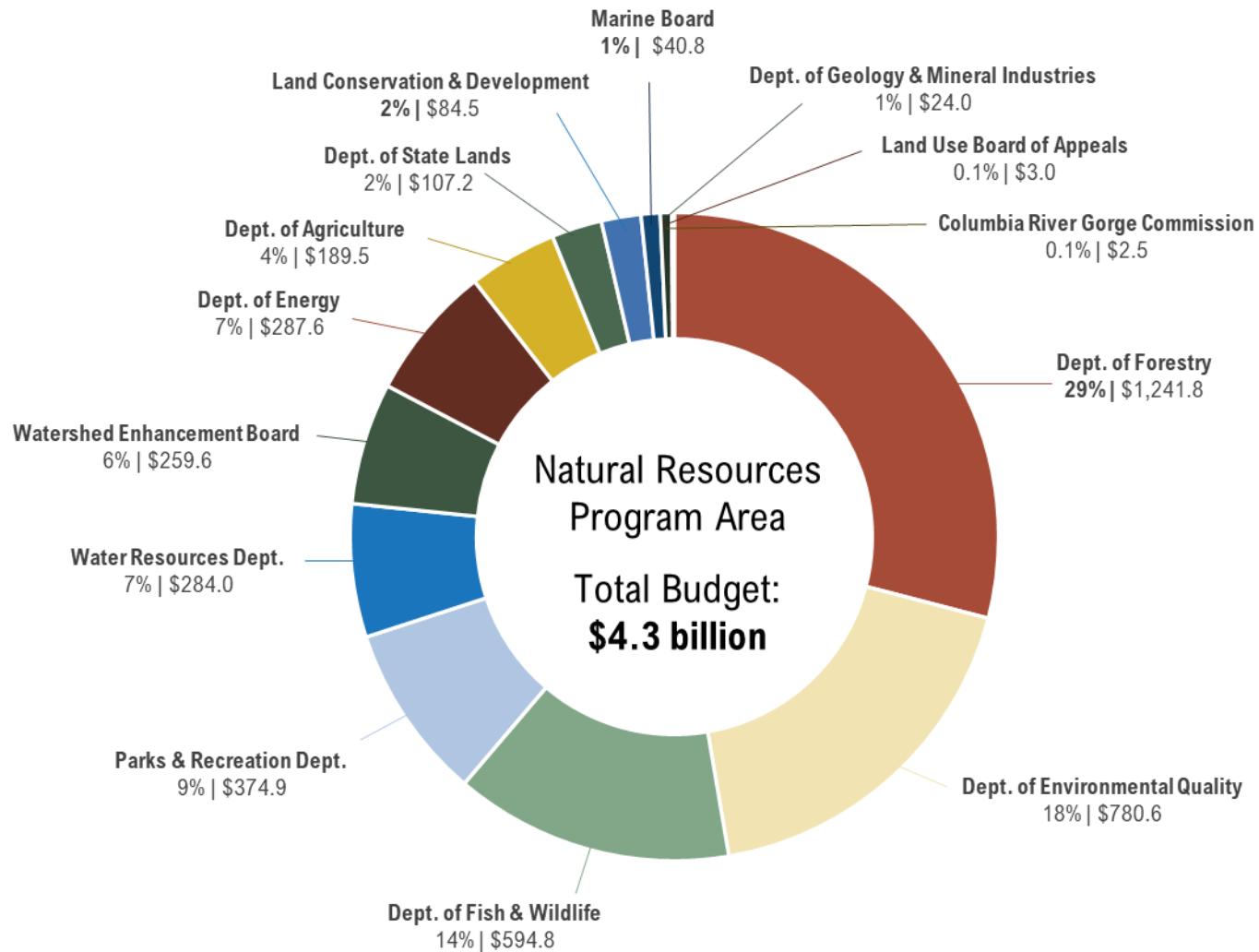
Carry Items
to Full

LFO ANALYST ASSIGNMENTS

- Natural Resources Program Area

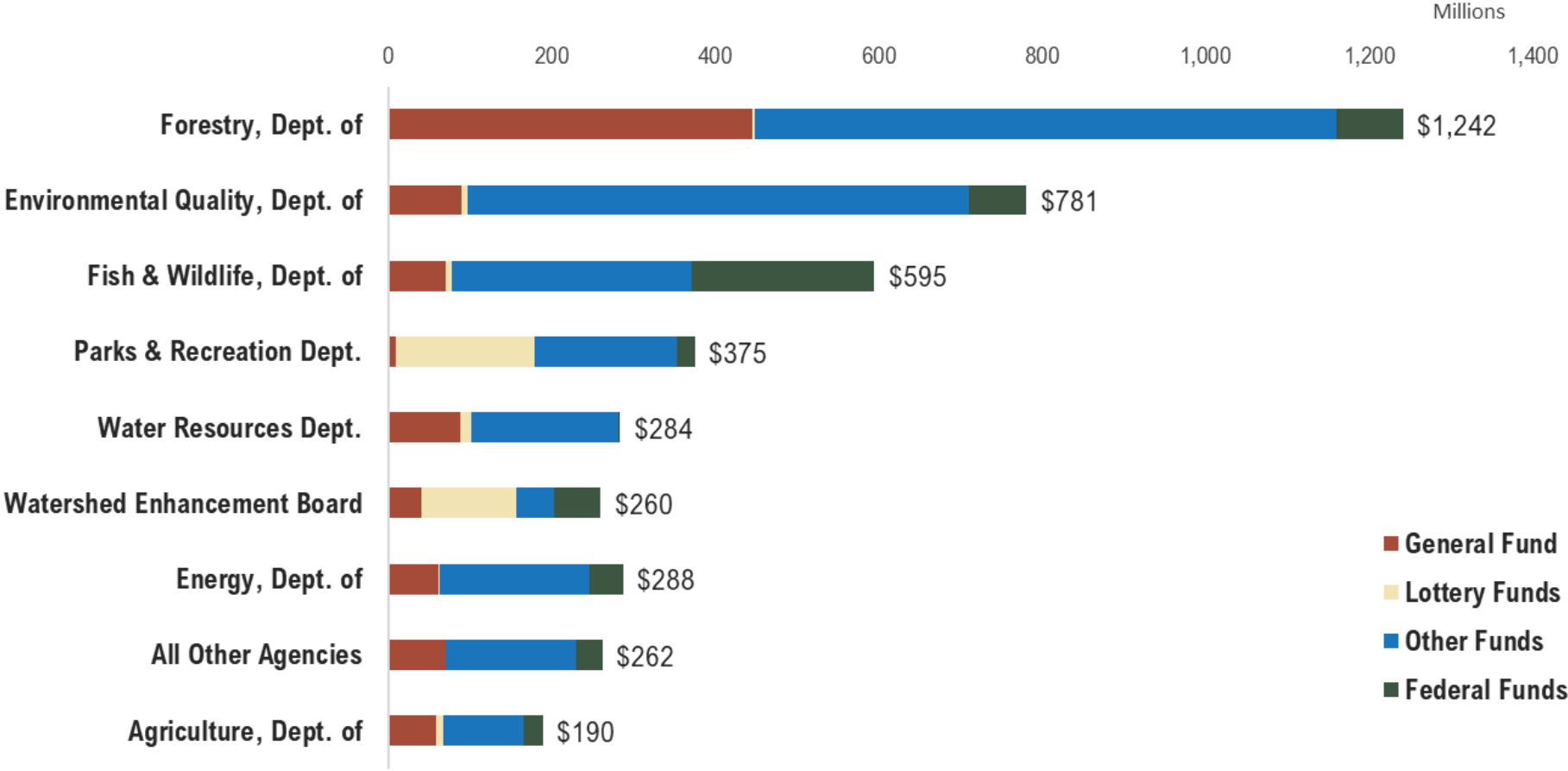
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Land Use Board of Appeals	Emily Coates	emily.coates@oregonlegislature.gov
Lands, Department of State	Katie Bannikov	katie.bannikov@oregonlegislature.gov
Marine Board	Twais Broadus	twais.broadus@oregonlegislature.gov
Parks and Recreation Department	April McDonald	april.mcdonald@oregonlegislature.gov
Water Resources Department	April McDonald	april.mcdonald@oregonlegislature.gov
Watershed Enhancement Board, Oregon	April McDonald	april.mcdonald@oregonlegislature.gov

2023-25 Legislatively Approved Budget (through December 2024)



2023-25 Legislatively Approved Budget

(through December 2024)



Budget Issues

- Fee Revenue Shortfalls
- Inflation on Federally Funded Programs
- Sustainable Wildfire Funding
- The Interaction of Housing Production and Natural Resources

Questions?

Legislative Fiscal Office

900 Court Street NE, Room H-178, Salem, Oregon 97301

Oregon State Capitol | (503) 986-1828 | www.oregonlegislature.gov/lfo

