

DATE: August 1, 2023

TO: State Agency Directors

FROM: Amanda Beitel, Legislative Fiscal Officer
Legislative Fiscal Office

Kate Nass, Chief Financial Officer
Department of Administrative Services, Chief Financial Office

SUBJECT: 2023-2024 Interim Joint Committee on Ways and Means and Emergency Board Instructions

The information below and in the noted attachments provides instructions for state agencies to follow when submitting requests to the Interim Joint Committee on Ways and Means or Emergency Board during the 2023-2024 interim legislative period. Please share these instructions with all staff responsible for preparing budget requests and ensure your agency establishes the internal processes necessary to meet all deadlines and process requirements.

As in the past, the Governor will determine which requests will be advanced to the Interim Joint Committee on Ways and Means or Emergency Board for consideration. Agencies shall get approval from the Department of Administrative Services, Chief Financial Office (CFO) prior to submission of a formal request letter to the Legislative Fiscal Office (LFO). CFO will use the notice of intent process to determine which requests shall be submitted to both CFO and LFO by the interim deadline. Upon approval by the Governor, CFO will submit the final list of requests to the Legislative Fiscal Office (LFO). The final agenda for each meeting will be determined by the Co-Chairs of the Committee or Board.

The following includes the instructions, key dates, and other important information related to this process:

- **Agency Request Criteria:** Attachment A outlines the criteria for agencies to follow when considering the submission of requests to the Interim Joint Committee on Ways and Means or Emergency Board. Please review this information closely to ensure your request meets the criteria prior to submitting a request.
- **Electronic Process and Submission Detail:** Attachment B outlines the electronic process and other detail required for the submission of request letters. Limited exceptions to the process and deadlines will be granted.
- **Interim Schedule and Deadlines:** Attachments C-1, C-2, and C-3 provide calendars and deadlines for the currently planned meetings of the Interim Joint Committee on Ways and Means in September 2023, November 2023, and January 2024. Additional

instructions and due dates will be shared in the fall of 2023 for requests for action during the February 2024 legislative session. The Emergency Board is not expected to begin meeting until after the 2024 regular session. Interim calendars for Emergency Board meetings will be shared once legislative leadership approves the schedule. Reports and other items due to be reported by a specified meeting need to be submitted following the established request deadlines to be considered.

- **Notice of Intent:** Prior to the date formal request letters are due to CFO and LFO, please notify your CFO and LFO analysts by e-mail of the requests your agency plans to submit by the deadlines outlined in Attachments C-1, C-2, and C-3. Agencies must then receive approval from CFO before submitting a formal request letter. CFO will use the Notice of Intent process to determine which requests will move forward. For any requests involving budgetary adjustments, the dollar amount should be included in the notification. If the agency identifies additional requests after the notice of intent deadline but before the deadline for requests, email both CFO and LFO analysts for approval to submit a formal letter.
- **Request Letter Templates:** Attachments D-1 and D-2 include the standard format agencies must follow for submitting requests to the Interim Joint Committee on Ways and Means and Emergency Board. Please ensure request letters to the Interim Joint Committee on Ways and Means and Emergency Board are properly addressed to the correct co-chairs.
- **Federal Grant Notification Template:** Attachment D-3 includes the standard format for submission of 10-day federal grant notifications. One week prior to sending the 10-day federal grant application request to LFO, agencies shall send a summary of the grant to CFO including the information outlined in Attachment B. Federal grant application requests that require a 10-day notification are those that will need retroactive approval at the next meeting of the Interim Joint Committee on Ways and Means or Emergency Board. When submitting the request for retroactive approval, the normal letter request format included in attachment D-1 must be used. **Requests for retroactive approval will only be considered if the date of the federal grant announcement falls after a scheduled meeting of the Interim Joint Committee on Ways and Means or Emergency Board and the application deadline falls before the next scheduled meeting.**

Updates to these instructions and related attachments will be made during the interim period as additional meetings are scheduled or process changes needed.

c: Budget Directors
SABR Coordinators

Interim Joint Committee on Ways and Means Request Criteria

1. Certain items needing approval to proceed (e.g., federal grant applications, major construction projects, repair projects addressing health and safety issues, information management and technology projects). **Requests for retroactive approval of federal grant applications will only be considered by the Committee if the timing of the federal grant announcement and application deadline do not allow the request to be made to the Committee prospectively.**
2. Reports or actions needed to satisfy a budget note or other legislative direction.
3. Items specifically deferred from the 2023 legislative session that require financial review in anticipation of being considered for the 2024 regular session.
4. Current or impending shortfalls in agency budgets requiring additional expenditure limitation or Emergency Fund allocations due to circumstances beyond an agency's control. These items will be reviewed in anticipation of action that may occur during the 2024 session.
5. The Co-Chairs of the Interim Joint Committee on Ways and Means may request agencies to report on specific issues. LFO and CFO analysts will alert the impacted agencies about these items.

Emergency Board Request Criteria

1. Budgetary shortfalls or other issues the agency is unable to mitigate until the 2025 session.
2. Certain items needing approval to proceed (e.g., federal grant applications, major construction projects, repair projects addressing health and safety issues, information management and technology projects). **Requests for retroactive approval of federal grant applications will only be considered by the Emergency Board if the timing of the federal grant announcement and application deadline do not allow the request to be made to the Committee prospectively.**
3. Items specifically deferred to the Emergency Board by the Legislature, including requests for the allocation of special purpose appropriations involving the agency.
4. Statutory items requiring Emergency Board review or approval, such as budget rebalance actions, expenditure limitation for fee increases or grants, fund shifts, and reporting requirements.
5. Expenditure limitation for federal grant applications requests approved by the Interim Joint Committee on Ways or during a previous meeting of the Emergency Board.
6. Requests that respond to new federal mandates.
7. Reports or action needed to satisfy a budget note or other legislative direction.
8. The Co-Chairs of the Emergency Board may request agencies to report on specific issues. LFO and CFO analysts will alert the impacted agencies of these items.

Electronic Process Requirements/Request Submission Detail

General Information

Final request letters for the Interim Joint Committee on Ways and Means and Emergency Board must be submitted electronically to the following recipients in the Department of Administrative Services, Chief Financial Office (CFO) and the Legislative Fiscal Office (LFO):

- Amanda Beitel, Legislative Fiscal Officer (Amanda.Beitel@oregonlegislature.gov)
- Kate Nass, Chief Financial Officer (Kate.Nass@das.oregon.gov)
- The agency's assigned LFO and CFO analysts
- LFO.LegRequests@oregonlegislature.gov and CFO.LegRequests@das.oregon.gov

Although timelines may be short, it is critical that timely, accurate, and complete information on budget and information management issues during the interim be submitted for decisions to be made by the Governor and members of the Legislature. **Your request may be denied or delayed if you fail to submit complete and accurate information in the required format within the established timelines.**

Agency staff should begin working with their assigned CFO and LFO analysts at least two weeks before the date requests are due. This allows analysts time to provide a thorough analysis and recommendation and provides time for any revisions or preparation of backup material, if necessary. To assist in this process, a "Notice of Intent" to submit an Interim Joint Committee on Ways and Means or Emergency Board request is due one or two week(s) before the date that formal letters are due. Please email the Notice of Intent to your CFO and LFO analysts *only* by 5:00pm on the Notice of Intent deadline, listing the requests your agency plans submit. CFO will use the Notice of Intent process to determine which letters shall be submitted. Agencies shall get approval from CFO prior to submitting the formal request letter to CFO and LFO on the due date.

All letters are due by noon on the stated date. Requests received after that time may be deferred to the next meeting of the Interim Joint Committee on Ways and Means or Emergency Board. Agencies are expected to establish adequate internal controls to ensure that all deadlines are met.

Placeholder letters will be accepted only under rare circumstances. If an agency needs to submit a placeholder letter on the request letter deadline, an exception request must be electronically submitted to the assigned CFO and LFO analysts. CFO and LFO analysts may also request that an agency submit a replacement letter if the originally submitted letter is not properly addressed, includes substantive errors, or does not include adequate information to support the request. However, changing circumstances or corrections may not require a replacement letter and can be reflected in the analyst's analyses and recommendations. Replacement letters, including those for requests submitted with a placeholder letter, are due by noon on the Friday following the request letter deadline.

Supporting documentation and backup material for Interim Joint Committee on Ways and Means and Emergency Board items must be emailed with the original requests to CFO and LFO. Additional information may be required at the request of the assigned CFO or LFO analyst. Written material cannot be distributed to members during the hearing unless previously approved by LFO.

Specifics - Interim Joint Committee on Ways and Means and Emergency Board Requests

- Submit the original request letter with the agency director’s electronic signature via email to the CFO and LFO recipients identified above. **Please do not include the Co-Chairs on the e-mail submission or submit hardcopies to LFO or CFO.**
 - Hardcopies are no longer accepted.
 - Do not email scanned documents.
 - Due dates for the first three Interim Joint Committee on Ways and Means meetings are included in Attachments C-1, C-2, and C-3; once the schedule for the Emergency Board and any additional meetings of the interim Committee are determined, updated calendars will be provided.
 - Use the criteria listed in Attachment A to limit your requests to only those that are essential.
 - The format for Interim Joint Committee on Ways and Means and Emergency Board request and 10-day federal grant notification letters can be found in Attachments D-1, D-2, and D-3.
 - For consistency and ease of tracking, when submitting request letters to CFO and LFO, submit one letter per email. ***Please Note:*** each email “Subject” line should match the name of the request document attached. Please use the following naming convention:
 - Agency Acronym - Brief Topic Description
 - Examples: DAS - Lottery Rev Bonds Report
 - OHA - Generic Drug Contracting
 - ODOT - Public Transit FF Limitation
- Replacement Letters:* If a letter is being sent as a replacement, please indicate so as instructed below:
- Example: DAS - Lottery Rev Bonds Report_Replacement
 - OHA - Generic Drug Contracting_Replacement
 - ODOT - Public Transit FF Limitation_Replacement

Requests for Retroactive Grant Application Authority (Federal Grants)

These instructions apply to grants that will require retroactive approval from the legislative review body. Federal grant application requests that are timely must follow the normal request deadlines and due dates.

- The date of the initial announcement of the federal grant opportunity must fall after a scheduled meeting of the Interim Joint Committee on Ways and Means or Emergency Board and the application deadline must fall before the next scheduled meeting of the Committee or Emergency Board. If an agency requires additional time after the grant announcement to make the administrative decision to apply for the grant and this would change the request from prospective to retroactive approval, an exception must be approved by CFO and LFO.
- One week prior to sending a 10-day federal grant application request to LFO, agencies shall send an email summarizing the grant program to CFO including the following information:
 - Federal agency, grant opportunity, and purpose of the grant,
 - Amount being requested and grant time period,
 - Application deadline,
 - Description of match or maintenance of effort (MOE) and source of funding to satisfy match or MOE requirements,
 - Does the grant create a new program, or how does the grant impact existing programs,
 - How does the grant impact equity and anti-racism efforts, and
 - What happens once grant funding is exhausted.
- **At least 10 days prior to the date it intends to submit the grant application to the federal granting authority**, the agency must email a 10-day notification letter to the LFO and CFO recipients identified in the General Information section above. The letter must be addressed to the President of the Senate and Speaker of the House, formatted consistent with Attachment D-3, and electronically signed by the agency director. **No hard copies are to be submitted to either LFO or CFO.**
- Once the 10-day notification letter is received electronically by LFO, copies will be forwarded to the presiding officers and the Co-Chairs and Vice Co-Chairs of the Interim Joint Committee on Ways and Means or Emergency Board by LFO, **not** by the agency.
- **The grant application may not be submitted until the end of the 10-day notification period.**
- After the 10-day period has expired and the agency submits the federal grant application, **a request letter seeking retroactive approval to apply for the grant must be electronically submitted to LFO and CFO for legislative action at the next scheduled meeting of the legislative review body.** This letter seeking retroactive approval to apply must follow the regular deadlines and due dates for the scheduled meeting of the legislative review body.

- Since both the Interim Joint Committee on Ways and Means and Emergency Board are authorized to review and approve federal grant application requests, LFO will determine which body will review the request for retroactive approval to apply for the federal grant.

To ensure consistency and availability of the necessary grant application information, the 10-day notification letter and letter requesting either retroactive approval or regular approval of a federal grant application **must** include the following information:

- The source of the grant opportunity and purpose of the grant
- The amount being requested and timeframe of the grant period
- The grant application deadline
- A description of any state match or maintenance of effort (MOE) requirements, or confirmation that no match or MOE is required
- The source of funding the agency plans to use to satisfy any state match or MOE requirements
- A description of the impact, if any, the match or MOE will have on budgeted services and performance measures
- An estimate of additional positions, FTE, and expenditure limitation needed if the grant application is approved
- A description of how the grant supports the agency's mission and goals

Please contact your LFO analyst with any questions about this process or the content of the request letters.

August 2023				
Monday	Tuesday	Wednesday	Thursday	Friday
	8/1	8/2	8/3	8/4
8/7	8/8	8/9	8/10	8/11
8/14 Notice of Intent due to CFO/LFO Analyst	8/15	8/16	8/17	8/18
8/21 Ways & Means requests due to CFO/LFO by Noon	8/22	8/23	8/24	8/25 By Noon - replacement letters due to CFO/LFO
8/28	8/29	8/30 Forecast Release	8/31	

September 2023				
Monday	Tuesday	Wednesday	Thursday	Friday
				9/1
9/4 LABOR DAY	9/5	9/6	9/7	9/8
9/11	9/12	9/13	9/14	9/15
9/18	9/19	9/20 Ways & Means Subcommittees Meet	9/21 Ways & Means Subcommittees Meet	9/22 Ways & Means Full Committee Meets
9/25	9/26	9/27	9/28	9/29

October 2023				
Monday	Tuesday	Wednesday	Thursday	Friday
10/2 Notice of Intent due to CFO/LFO Analyst	10/3	10/4	10/5	10/6
10/9 Ways & Means requests due to CFO/LFO by Noon	10/10	10/11	10/12	10/13 By Noon – replacement letters due to CFO/LFO
10/16	10/17	10/18	10/19	10/20
10/23	10/24	10/25	10/26	10/27
10/30	10/31	11/1	11/2	11/3

November 2023				
Monday	Tuesday	Wednesday	Thursday	Friday
11/6 Ways & Means Subcommittees Meet	11/7 Ways & Means Subcommittees Meet	11/8 Ways & Means FULL Committee Meets	11/9	11/10 VETERANS' DAY
11/13	11/14	11/15 Forecast Release	11/16	11/17
11/20	11/21	11/22	11/23 THANKSGIVING	11/24 HOLIDAY
11/27	11/28	11/29	11/30	

November/December 2023				
Monday	Tuesday	Wednesday	Thursday	Friday
11/20 Notice of Intent due to CFO/LFO Analyst	11/21	11/22	11/24	11/25
11/27	11/28	11/29	11/30	12/1
12/4 Ways & Means requests due to CFO/LFO by Noon	12/5	12/6	12/7	12/8 By Noon – replacement letters due to CFO/LFO
12/11	12/12	12/13	12/14	12/15
12/18	12/19	12/20	12/21	12/22
12/25 CHRISTMAS	12/26	12/27	12/28	12/29

January 2024				
Monday	Tuesday	Wednesday	Thursday	Friday
1/1 NEW YEARS	1/2	1/3	1/4	1/5
1/8	1/9	1/10 Ways & Means Subcommittees Meet	1/11 Ways & Means Subcommittees Meet	1/12 Ways & Means FULL Committee Meets
1/15 MLK DAY	1/16	1/17	1/18	1/19
1/22	1/23	1/24	1/25	1/26

Format of Letter to the Interim Joint Committee on Ways and Means
(add to agency electronic letterhead)

Date

Senator Elizabeth Steiner, Co-Chair
Representative Tawna Sanchez, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of the Request

Describe the reason for appearing before the Interim Joint Committee on Ways and Means; include a precise statement of the action being requested.

Agency Action

Describe in detail what actions you have taken to prepare for, offset, or mitigate the request, or the need for Interim Joint Committee on Ways and Means action.

Action Requested

Describe precisely what you want the Interim Joint Committee on Ways and Means to do. Include precise expenditure limitation and appropriation dollar amounts and number of positions/full-time equivalency/classification information.

Legislation Affected

Cite the appropriate agency Oregon Revised Statute, appropriation bill, chapter law, and section to be revised if the request is approved.

Format of Letter to the Emergency Board
(add to agency electronic letterhead)

Date

Senator Rob Wagner, Co-Chair
Representative Dan Rayfield, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of the Request

Describe the reason for appearing before the Emergency Board; include a precise statement of the action being requested.

Agency Action

Describe in detail what actions you have taken to prepare for, offset, or mitigate the emergency, or the need for Emergency Board action.

Action Requested

Describe precisely what you want the Emergency Board to do. Include precise expenditure limitation and appropriation dollar amounts and number of positions/full-time equivalency/classification information.

Legislation Affected

Cite the appropriate Oregon Revised Statute, appropriation bill, chapter law, and section to be revised if the request is approved.

Format of a Federal Grant Notification Letter
(add to agency electronic letterhead)

Date

The Honorable Senator Rob Wagner, President of the Senate
The Honorable Representative Dan Rayfield, Speaker of the House
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Senator Wagner and Representative Rayfield:

Nature of the Request

Describe the agency's intent to apply for a federal grant and request retroactive approval at the next scheduled meeting of the Emergency Board or Interim Joint Committee on Ways and Means.

Federal Grant Information

Describe the federal grant opportunity in detail, including the following **required** information outlined in Attachment B - Requests for Retroactive Grant Application Authority (Federal Grants):

- The source of the grant opportunity and purpose of the grant
- The amount being requested and timeframe of the grant period
- The grant application deadline
- A description of any state match or maintenance of effort (MOE) requirements, or confirmation that no match or MOE is required
- The source of funding the agency plans to use to satisfy any state match or MOE requirements
- A description of the impact, if any, the match or MOE will have on budgeted services and performance measures
- An estimate of additional positions, FTE, and expenditure limitation needed if the grant application is approved
- A description of how the grant supports the agency's mission and goals