

**74th OREGON LEGISLATIVE ASSEMBLY – 2007 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: HB 5018-A

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Nathanson
Carrier – Senate: Sen. Nelson**

Action: Do Pass as Amended and Be Printed A-Engrossed

Vote: 15 – 0 – 6

House – Yeas: D. Edwards, Galizio, Garrard, Jenson, Morgan, Nathanson, Nolan

– Nays:

– Exc: Hanna, Shields

Senate – Yeas: Bates, Devlin, Gordly, Johnson, Morse, Schrader, Verger, Whitsett

– Nays:

– Exc: Carter, Nelson, Westlund, Winters

Prepared By: Linda Gilbert, Department of Administrative Services

Reviewed By: Doug Wilson, Legislative Fiscal Office

Meeting Date: 6/20/07

Agency

District Attorneys and Their Deputies

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Biennium

2007-09

Senators: Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson,
Schrader, Verger, Westlund, Whitsett, Winters

Senator Kurt Schrader, Co-Chair

Representatives: D. Edwards, Galizio, Garrard, Hanna, Jenson,
Morgan, Nathanson, Nolan, Shields

Representative Mary Nolan, Co-Chair

Representative Chip Shields, Public Safety Subcommittee Chair

Budget Summary*

	2005-07		2007-09		Percentage Committee Change from Governor's Budget
	Legislatively Approved Budget (1)	Governor's Budget	Committee Recommendation	Difference from Governor's Budget	
General Fund	\$ 9,170,797	\$ 10,658,236	\$ 9,855,420	\$ -802,816	-7.5%

Position Summary

Authorized Positions	36	38	36	-2
Full-time Equivalent (FTE) Positions	36.00	38.00	36.00	-2.00

(1) Includes adjustments through the December 2006 meeting of the Emergency Board

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The state portion of the 36 district attorneys’ budgets is wholly supported by General Fund.

Summary of Subcommittee Action

Oregon’s district attorneys have jointly adopted the following mission: “. . . to preserve the safety of the public, to recognize and pursue the rights of crime victims, to promote the public’s trust by the fair, effective and efficient administration of justice and to enhance the skill, honor and integrity of the District Attorney.” District attorneys are designated by the Oregon Constitution as the law officers of the state. As such, a district attorney is charged with the duty to see that laws are faithfully executed and enforced in order to maintain the rule of law. District attorneys are elected locally (county-wide) and are state employees. The office is non-partisan; a term is four years.

District attorneys and their deputies prosecute state criminal offenses committed by juveniles and adults. In addition to criminal prosecution, district attorney legal duties include enforcement of child support obligations in non-welfare cases, prosecuting civil forfeitures, presenting evidence at mental health hearings, ruling on public records requests, assisting juvenile courts, and advising and representing county officers. District attorneys and their deputies are also active in local public safety coordinating councils, child abuse prevention teams, and community outreach activities.

The Subcommittee approved a total budget of \$9.9 million General Fund and 36.00 full-time equivalent positions. This is an increase of 7.39 percent over the Essential Budget Level.

Package 101: Oregon District Attorneys Association (ODAA) Restructure. The Subcommittee did not approve this package. It would have established an Executive Director position for the agency to oversee ODAA operations, provide consistent leadership to the Association, and represent the DAs in legislative hearings and other settings. In addition the package transferred an existing position from the Department of Justice that has responsibility for coordinating the Oregon District Attorneys Association activities. The reduction from the Governor's budget is \$382,710 General Fund, two positions, and 2.00 full-time equivalent.

Package 102: Compensation Adjustment Plan. As approved, this package provides \$54,208 General Fund to support a compensation increase for the 36 District Attorneys on July 1, 2008 of 1.5 percent. District Attorneys are not eligible for step increases that other state employees receive.

Package 110: Compensation Restructure. The Subcommittee approved this package. It eliminates the third tier of the salary structure for District Attorneys (DA) by moving the three DAs currently receiving \$55,140 per year into the middle pay range which currently receive \$79,512 per year. The three counties affected are Gilliam, Sherman and Wheeler. In the past, the DAs in these counties have been thought to be part-time, but that may not always be the case now. Effective July 1, 2007, the cost is \$176,400 General Fund.

Package 111: Prosecutorial Assistance. The Subcommittee approved \$444,392 to provide funding to assist counties in paying the over 350 deputy District Attorneys in the state. This component of the District Attorney budget was discontinued in the current biennium, but is restored in this package. There is also funding in the Legislatively Adopted Department of Justice and Department of Human Services budgets for payments to county district attorney offices for representation in specific stages of child welfare cases.

The Subcommittee discussed the issue of deputy supplement/prosecutorial assistance payments. Before 2005-07, the District Attorneys' budget included resources to assist counties in funding deputy district attorney compensation. There are over 350 deputy district attorneys in the state, all currently paid by non-state sources of revenue. This budget includes resources to reinstate the deputy district attorney supplement payments (referred to as Prosecutorial Assistance in Package 111). The Governor's Budget did not outline the distribution of these resources. In the past, the distribution was based on the number of deputy district attorneys employed in each county certified to the Department of Justice on a quarterly basis. Each county would then receive a set amount (\$1,375 in 2003-05) each quarter for the first three deputies with the remainder distributed proportionally based on the number of deputy district attorneys in each county.

The Subcommittee approved a similar process for 2007-09 for the funding available through Package 111 (Prosecutorial Assistance). Payments would be made to counties on an annual basis based generally on the number of deputy district attorneys each county has combined with credit given for each district attorney. Each county would receive \$1,250 annually for each of the first three deputies and its District Attorney; and the remainder would be distributed proportionally based on the number of deputies in each county in excess of three. The minimum amount each county would get annually would be \$1,250 for those counties with no deputy district attorneys. Funding would be used for payment of deputy district attorney compensation and other direct prosecutorial costs such as witness fees.

Summary of Performance Measure Action

See attached Legislatively Adopted 2007-09 Key Performance Measures form.