

**75th OREGON LEGISLATIVE ASSEMBLY – 2009 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: HB 5007-A

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Shields
Carrier – Senate: Sen. Walker**

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

Vote: 19 – 3 – 0

- House – Yeas: Buckley, D. Edwards, Galizio, Gilman, Jenson, Komp, Kotek, Nathanson, Shields, G. Smith
- Nays: Garrard, Richardson
- Exc:
- Senate – Yeas: Bates, Carter, Girod, Johnson, Monroe, Nelson, Verger, Walker, Winters
- Nays: Whitsett
- Exc:

Prepared By: Linda Gilbert, Department of Administrative Services

Reviewed By: Doug Wilson, Legislative Fiscal Office

Meeting Date: May 29, 2009

Agency

Criminal Justice Commission

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Biennium

2009-11

Budget Summary*

	2007-09 Legislatively Approved Budget (1)	2009-11 Essential Budget Level	2009-11 Committee Recommendation	Committee Change from 2007-09 Leg. Approved	
				\$\$ Change	% Change
General Fund	\$ 6,879,283	\$ 7,203,683	\$ 6,138,274	\$ -741,009	-10.8%
Other Funds	\$ 1,148,677	\$ 33,158	\$ 196,906	\$ -951,771	-82.9%
Federal Funds	\$ 201,954	\$ 126,993	\$ 12,519,768	\$ +12,317,814	+6099.3%
Total	\$ 8,229,914	\$ 7,363,834	\$ 18,854,948	\$ +10,625,034	+129.1%

Position Summary

Authorized Positions	6	6	10	+4
Full-time Equivalent (FTE) positions	6.00	6.00	9.50	+3.50

(1) Includes adjustments through the December 2008 meeting of the Emergency Board

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Criminal Justice Commission’s Legislatively Adopted Budget is over 32 percent General Fund. Other Funds, one percent of total expenditures, are supplied by asset forfeiture collections. The commission will take over managing the U.S. Department of Justice (USDOJ) Byrne Justice Assistance Grants (JAG) from Oregon State Police in 2009-11. The identified and projected revenue is over \$25 million, which includes \$13 million of stimulus funding from the American Recovery and Reinvestment Act. Many of the federal grant funds received by the commission during the 2009-11 biennium will be awarded during the 2011-13 biennium. Only the confirmed awards, about \$12 million, have expenditure limitation in the Legislatively Adopted Budget. Also in the Legislatively Adopted Budget is \$100,000 federal grant revenue from the USDOJ Bureau of Justice Statistics to support the agency’s Statistical Analysis Center. This grant has been stable for several biennia.

Summary of Public Safety Subcommittee Action

The Criminal Justice Commission (CJC) was created in 1995 to replace the Criminal Justice Council. Seven members are appointed by the Governor, subject to confirmation by the Senate; there are two additional commission members (non-voting) who are legislators. Historically, CJC had two major program areas, but with the 2005 transfer of the Juvenile Crime Prevention grants to the State Commission on Children and Families the agency’s primary focus returned to developing and maintaining a state criminal justice policy and comprehensive long-range plan for the state’s criminal justice system. Other functions have been added over the years.

The CJC currently:

- staffs and supports the commission in its functions relating to state criminal justice policy and administering the state's sentencing guidelines;
- administers federal public safety grants for Oregon state and local government such as Byrne/Justice Assistance Grants, statistical analysis funding and a small Residential Substance Abuse Treatment grant;
- administers a General Funded drug court start-up or expansion grant program begun in 2006;
- provides data and other information on criminal justice issues to legislators, state and federal agencies, and the public including the activities of the Statistical Analysis Center;
- provides technical assistance to local public safety coordinating councils;
- staffs the Asset Forfeiture Oversight Advisory Committee;
- coordinates calculation of the fiscal impact of crime-related legislation/ballot measures among state and local public safety agencies;

The subcommittee approved a budget of \$18.9 million total funds and 10 positions (9.50 full-time equivalent) for the agency. This is an increase of \$11.5 million total funds or 156.0 percent from the Commission's 2009-11 essential budget level. General Fund at \$6.1 million is a 14.8 percent reduction from the essential budget level and 10.8 percent lower than the 2007-09 Legislatively Approved Budget through December 2008. The subcommittee approved the following policy packages:

Package 090 Analyst Adjustments. This package reduces Federal Funds limitation by \$25,000 to phase out a Bureau of Justice Statistics tribal crime data grant. The commission has applied for a continuation of this grant but has not received notification of an award as of this writing.

Package 804 Roll-Up of 2007-09 Reductions. This package eliminates a Research Analyst 2 position (1.00 full-time equivalent), funding for which was initially eliminated during the rebalance of the 2007-09 budget earlier in the Legislative Session. This position provided a variety of research activities and assisted the Economist 4 position. The General Fund reduction is \$139,522.

Package 810 Agency Operations Reductions. This package fund shifts 18 percent of the Operations and Policy Analyst 3 position from General Fund to asset forfeiture Other Funds for a General Fund Personal Services savings of \$38,919. The package also reduces General Fund Services and Supplies by \$33,761 in travel, office supplies, and expendable property including information technology purchases.

Package 811 Drug Court Reductions. This package reduces the General Fund available for drug courts by \$853,207 or about 17 percent. The agency will need to make reductions to drug court grants and may focus on those courts that are more expensive per offender to operate. The agency is also expected to look at those courts that are less successful than others in achieving successful outcomes. Federal Funds expenditure is increased by an equal amount on the assumption the agency will use existing federal grant funds or seek additional federal grants to backfill the General Fund reduction. The subcommittee approved this package with the understanding that the Department of Administrative Services would unschedule the Federal Funds increase pending the agency's determining that funds are available for this purpose.

Package 812 Federal Grant Program Transfer. This package covers a number of actions to transfer administration of the Byrne/Justice Assistance Grants and other federal grants from the Oregon State Police to the agency. The transfer occurred administratively during the

2007-09 biennium interim under an interagency agreement. There are several position-related actions required to implement the administrative shift.

- Two Program Analyst 3 positions are established in the agency and eliminated in the Oregon State Police budget. One position is federally funded, the other position is partially financed by General Fund in order to support General Fund drug court grant administration.
- Two financial positions, a Fiscal Analyst 2 (1.00 FTE) and an Accounting Tech 3 (0.50 FTE) are established to provide the agency budget and accounting services, which are currently provided by the Department of Corrections. With the transfer of the federal grant programs to the commission, the financial reporting and oversight of grantees significantly increase the need for financial related resources. Funding for the positions is a mix of Federal Funds and General Fund.
- One Research Analyst 4 position is established to provide review and analysis relating to Ballot Measure 57 (2008) activities around drug courts and of the transferred federal grants. This position is funded with 75 percent Federal Funds and 25 percent General Fund.
- An existing Program Analyst 3 position is reclassified to a Principal Executive Management D to provide a management position for the federal and drug court grant programs. 67 percent of the funding for this position is shifted from General Fund to Federal Funds, using federal grant administrative funds.
- The General Fund share of the Operations and Policy Analyst 3 position is reduced from 82 percent to 55 percent General Fund by shifting an additional 27 percent to asset forfeiture Other Funds.

A small amount of General Fund is added for Services and Supplies. The net effect of the General Fund changes is \$0. Finally, the package establishes a Special Payments limitation of \$10.6 million Federal Funds for the actual grant payments that will be awarded to local jurisdictions and other entities across the state during 2009-11.

The Subcommittee included the following instruction to the agency: The Criminal Justice Commission shall report to the Legislature before any federal grant funds are distributed. The report must include a description of the activities and target populations that the federal funds will be used for.

Summary of Performance Measure Action

See attached Legislatively Adopted 2009-11 Key Performance Measures form.