

**75<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2009 Regular Session  
BUDGET REPORT AND MEASURE SUMMARY**

**MEASURE: HB 5055-A**

**JOINT COMMITTEE ON WAYS AND MEANS**

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

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

**Vote:** 22 – 0 – 0

House – Yeas: Buckley, C. Edwards, D. Edwards, Galizio, Garrard, Gilman, Jenson, Kotek, Nathanson, Richardson, Shields, G. Smith

– Nays:

– Exc:

Senate – Yeas: Bates, Carter, Girod, Johnson, Monroe, Nelson, Verger, Walker, Whitsett, Winters

– Nays:

– Exc:

**Prepared By:** Linda Gilbert, Department of Administrative Services

**Reviewed By:** Doug Wilson, Legislative Fiscal Office

**Meeting Date:** June 25, 2009

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<u>Agency</u>	<u>Budget Page</u>	<u>LFO Analysis Page</u>	<u>Biennium</u>
Department of Corrections	D-4	113	2009-11
Oregon Youth Authority	D-17	189	2009-11
District Attorneys and Their Deputies	D-10	133	2009-11
Department of State Police	D-20	169	2009-11
Public Defense Services Commission	K-6	512	2009-11

## Budget Summary\*

	2007-09 Legislatively Approved Budget (1)	2009-11 Essential Budget Level	2009-11 Committee Recommendations	Committee Change From 2007-09 Leg. Approved	
				\$\$ Change	% Change
<b><u>Department of Corrections</u></b>					
General Fund	\$ 0	\$ 0	\$ -18,734,228	\$ -18,734,228	-100.0%
<b><u>Oregon Youth Authority</u></b>					
General Fund	\$ 0	\$ 0	\$ 9,826,321	\$ 9,826,321	100.0%
<b><u>Department of State Police</u></b>					
General Fund	\$ 0	\$ 0	\$ 3,182,093	\$ 3,182,093	100.0%
<b><u>Public Defense Services Commission</u></b>					
General Fund	\$ 0	\$ 0	\$ 74,000	\$ 74,000	100.0%
<b><u>District Attorneys and Their Deputies</u></b>					
General Fund	\$ 0	\$ 0	\$ 38,000	\$ 38,000	100.0%
<b>General Fund Total</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ -5,613,814</b>	<b>\$ -5,613,814</b>	<b>-100.0%</b>

\* Excludes Capital Construction

(1) Through December, 2008

## Position Summary

	2007-09 Legislatively Approved Budget (1)	2009-11 Essential Budget Level	2009-11 Committee Recommendations	Committee Change From 2007-09 Leg. Approved	
				\$\$ Change	% Change
<b><u>Oregon Youth Authority</u></b>					
Authorized Positions	0	0	29	29	
Full-time Equivalent (FTE) positions	0.00	0.00	65.54	65.54	
<b><u>Department of State Police</u></b>					
Authorized Positions	0	0	1	1	
Full-time Equivalent (FTE) positions	0.00	0.00	12.00	12.00	

## **Summary of Public Safety Subcommittee Action**

House Bill 5055 changes the overall General Fund appropriations to a number of public safety programs. These changes are contingent on the passage of House Bill 3508 which provides savings to the Department of Corrections through altering the effective date of Ballot Measure 57 (2008), changes in community corrections related sentences, an increase in earned time for specific offenders, and other changes that reduces the need for prison beds and estimated community corrections caseloads during 2009-11. The savings due to Measure 57 changes are made to the Department of Correction's budget. If the bill does become law, approximately \$19.9 million are appropriated to programs in the Oregon State Police, Oregon Youth Authority, District Attorneys, and Public Defense Services Commission. The other savings generated by HB 3508 are already factored in the various public safety budgets. The programs funded in this bill are described below agency by agency.

### **Department of Corrections**

The Subcommittee reduced the budget of the Department of Corrections (DOC) by a net \$18.7 million. The changes in the effective date of Measure 57 in HB 3508 provide a net \$27.3 million in savings in the operations of the prisons and related programs. These savings include \$14.3 in operations and health services, \$3.1 million in central support functions of the agency, 4400,000 in capital improvements and \$9.5 million in transitional services. There still remains \$10 million for distribution to local programs for treatment and intensive supervision of Measure 57 offenders. Funding for community corrections is increased by \$1.8 million since the fewer offenders will remain under community supervision instead of going to prison under the Measure 57 change. While the changes made in this budget will result in reductions in positions and FTE, the Department has not had the time to calculate the number of positions affected. The Department is instructed to return to the Emergency Board or the 2010 Legislature and report on the necessary staffing changes resulting from these reductions including an updated population management plan.

This bill also makes changes to the budget already passed for the Department totaling a net \$6.8 million for changes in policy in HB 3508 not directly related to the Measure 57. Another \$63,509 General Fund is appropriated for the prison bed costs of the increase in the penalty from a Class C felony to a Class B felony for assault in the third degree where the assault resulted from the defendant driving under the influence of intoxicants.

### **Oregon Youth Authority**

The Subcommittee appropriated a total of \$9.8 million General Fund to the Oregon Youth Authority. This includes \$3.5 million for maintaining close custody beds at Hillcrest (29 positions and 25.67 FTE). Companion funding in HB 5054 of \$3.5 million General Fund will mean that 74 beds are maintained at Hillcrest. Another \$6.2 million General Fund is appropriated for the 50-bed Eastern Oregon Youth Correctional Facility in Burns (0 positions, 39.87 FTE).

## **District Attorneys and Their Deputies**

The Subcommittee appropriated \$38,000 General Fund to fund the purchase of legal publications and advance sheets for District Attorney Offices.

## **Department of State Police**

The Subcommittee appropriated a net \$3.2 million General to the Oregon State Police (OSP). A total of \$4.5 million General Fund is for 18 crime lab positions (18.00 FTE) and other costs of the Forensics Division. Another \$913,280 General Fund is for four trooper positions in the Fish and Wildlife Division. With these additions and the resources in the OSP budget bill (HB 5037) both the Forensics Division and the Fish and Wildlife Division are nearly back to their essential budget level.

Just over \$4.5 million General Fund is appropriated to the Criminal Investigation Division to fund 18 sworn detective positions (18.00 FTE) for the drug enforcement unit and the major crimes unit. The addition of these positions should prevent any layoff of sworn staff across the agency.

A total of \$6.7 million General Fund is reduced from the Patrol Division to eliminate any double funding of the 39 trooper positions being added during 2009-11. HB 3508 includes \$8.1 million General Fund for the 39 troopers. This bill reduces the amounts in the agency's budget bill (\$3.2 million) and the amount included in HB 5054 (\$3.5 million) to avoid the double funding. Corresponding position and FTE reductions are also made. Over all there is \$8.1 million in funding for the 39 troopers in the state budget. This amount assumes that 20 troopers will be hired in August of 2009 and the other 19 will be hired in October 2009. If the agency requires filling any of these new positions earlier than August to avoid layoffs of existing troopers it is encourage to do so as long as it stays within the overall amount of appropriated funds.

## **Public Defense Services Commission**

House Bill 3508 increases the penalty from a Class C felony to a Class B felony for assault in the third degree where the assault resulted from the defendant driving under the influence of intoxicants. The Subcommittee appropriated \$74,000 to cover the costs of this change for this agency.