

**76<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session  
BUDGET REPORT AND MEASURE SUMMARY**

**MEASURE: HB 5019-A**

**JOINT COMMITTEE ON WAYS AND MEANS**

**Carrier – House: Rep. G. Smith  
Carrier – Senate: Sen. Winters**

---

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

**Vote:** 23 – 0 – 2

House – Yeas: Beyer, Buckley, Cowan, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant  
– Nays:  
– Exc: Freeman

Senate – Yeas: Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters  
– Nays:  
– Exc: Bates

**Prepared By:** Blake Johnson, Department of Administrative Services

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

**Meeting Date:** May 6, 2011

---

**Agency**

District Attorneys and Their Deputies

**Budget Page**

D-10

**LFO Analysis Page**

85

**Biennium**

2011-13

<b><u>Budget Summary*</u></b>	2009-11	2011-13	2011-13	2011-13	Committee Change from	
	Legislatively Approved Budget (1)	Current Service Level	Governor's Budget	Committee Recommendation	2009-11 Leg Approved	
					\$ Change	% Change
General Fund	\$ 10,415,578	\$ 10,390,201	\$ 9,852,919	\$ 9,982,345	\$ (433,233)	-4.2%
<b><u>Position Summary</u></b>						
Authorized Positions	36	36	36	36	0	
Full-time Equivalent (FTE) Positions	36.00	36.00	36.00	36.00	0.00	
(1) Includes adjustments through March 2011.						
* Excludes Capital Construction expenditures						

### **Summary of Revenue Changes**

There are no revenue changes. The state portion of District Attorneys' support is 100 percent General Fund.

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

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.

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 \$9,982,345 General Fund and 36.00 FTE. This is a decrease of \$433,233 or 4.2 percent from the 2009-11 Legislatively Approved Budget and an increase of \$129,426 or 1.3 percent from the Governor's Balanced Budget. This budget funds only the District Attorneys' salaries, benefits and other payroll expenses, and the State Government Service Charges which are primarily related to risk management assessments.

The Subcommittee did not recommend Package 087, which is the Governor's state-wide 5.5 percent Personal Services reduction. Instead, the Subcommittee approved Package 801, which removed the District Attorneys' Services and Supplies budget by \$38,000, which represents all remaining Services and Supplies other than what is reserved for State Government Service Charges.

The recommended budget for this agency includes a \$362,054 General Fund reduction for a supplemental ending balance. The reduction is intended to be applied against spending levels in the second year of the biennium and to not affect program delivery in the first year. To reinforce that intent, the agency's budget bill includes specific language allowing the agency to expend up to 54% of its total biennial General Fund appropriation in the first year of the biennium.

The amount of the reduction for the supplemental ending balance may be restored during the February 2012 session to the agency for the second year of the biennium depending on economic conditions. Therefore, the Co-Chairs of the Joint Committee on Ways and Means expect the agency to closely monitor the quarterly revenue forecast and other economic indicators to gauge adequacy of funding in the second year and manage their budgets accordingly.

### **Summary of Performance Measure Action**

See attached Legislatively Adopted 2011-13 Key Performance Measures form.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**HB 5019-A**

**District Attorneys and Their Deputies**  
**Blake Johnson -- (503) 378-3195**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2009-11 Legislatively Approved Budget at March 2011 *	\$ 10,415,578	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 10,415,578	36	36.00
2011-13 ORBITS printed Current Service Level (CSL)*	\$ 10,390,201	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 10,390,201	36	36.00
2011-13 Governor's Recommended Budget*	\$ 9,852,919	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 9,852,919	36	36.00
<b><u>SUBCOMMITTEE ADJUSTMENTS (from GRB)</u></b>									
Package 087: Statewide 5.5% Personal Services reduction.									
Personal Services	\$ 529,480	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 529,480	0	0.00
Package 801: Targeted statewide Adjustments -- 6.5% S&S reductions									
Services and Supplies	\$ (38,000)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ (38,000)	0	0.00
Package 819: Supplemental Ending Balance adjustment									
Personal Services	\$ (362,054)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ (362,054)	0	0.00
<b>TOTAL ADJUSTMENTS</b>	<b>\$ 129,426</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 129,426</b>	<b>0</b>	<b>0.00</b>
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$ 9,982,345</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 9,982,345</b>	<b>36</b>	<b>36.00</b>
% Change from 2009-11 Leg Approved Budget	-4.2%	0.0%	0.0%	0.0%	0.0%	0.0%	-4.2%	0.0%	0.0%
% Change from 2011-13 Current Service Level	-3.9%	0.0%	0.0%	0.0%	0.0%	0.0%	-3.9%	0.0%	0.0%
% Change from 2011-13 Gov's Recommended Budget	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	1.3%	0.0%	0.0%

\*Excludes Capital Construction Expenditures

## Legislatively Approved 2011-2013 Key Performance Measures

**Agency: DISTRICT ATTORNEYS AND THEIR DEPUTIES**

Mission: <p>The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims and to pursue justice for all citizens with skill, honor and integrity.</p>

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
1 - Child Support Collections - Percentage of current child support collected relative to total child support owed.		Approved KPM	73.70	80.00	80.00
2 - Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided "prompt notice" of their rights as crime victims.		Approved KPM		90.00	90.00
3 - Customer Service – Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Overall	Approved KPM	0.00		
4 - Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.		Approved KPM	83.00	100.00	100.00

**LFO Recommendation:**

The Legislative Fiscal Office (LFO) recommends maintaining targets for the KPMs relating to Child Support Collections (#1) and Early Resolution and Specialty Courts (#4). The other two measures present greater challenges. The KPM relating to Services to Victims (#2) has targets but no consistent data. Since there are 36 separate units in this state agency there is no consistent way of measuring this information or no standard reporting. The agency is committed to finding some way of to meet the needs of the legislature for this measure since it is an important service that is provided. LFO recommends that the agency continue working on the measure including standardized measurement and reporting from each DA office and return to the 2013 Legislature with a proposal. The customer service measure (#4) is required for every agency but creates challenges for the DAs since there are really 36 different agencies. Getting information on each of the six compnents from each DA office and then averaging them may not present a true picture. In addition, the primary "customer" or group that the DAs interact with are offenders; and it is doubtful that they will always give an objective response to questions. There are other customers such as othe public safety officials and victims. LFO recommends either dropping this measure or narrowing its focus. The agency should return to the 2013 Legislature with a recommendation.

**Sub-Committee Action:**

The Subcommittee accepted the LFO recommendation.