

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

**MEASURE: HB 5050-A**

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

**JOINT COMMITTEE ON WAYS AND MEANS**

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

**Vote:** 25 – 0 – 0

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

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

**Prepared By:** Daron Hill, Legislative Fiscal Office  
**Reviewed By:** Various Legislative Fiscal Office Staff

**Meeting Date:** February 24, 2011

<u>Agency</u>	<u>Budget Page</u>	<u>LFO Analysis Page</u>	<u>Biennium</u>
Various Agencies	---	---	2009-11

## Budget Summary

	<b>2009-11 Legislatively Adopted Budget</b>	<b>2009-11 Legislatively Approved Spending Level</b>	<b>2009-11 Committee Recommendations</b>	<b>Percentage Change from Legislatively Approved Spending Level</b>
<b><u>Education Program Area</u></b>				
<b><u>Community Colleges and Workforce Development</u></b>				
General Fund	\$ 464,376,904	\$ 429,755,707	\$ -86,128	-0.02%
Lottery Funds	9,306,103	8,929,603	-323,068	-3.62%
Other Funds	137,735,836	138,347,746	409,196	0.30%
<b><u>Department of Education</u></b>				
General Fund	\$ 5,447,767,562	\$ 5,178,165,512	\$ 20,362,570	0.39%
Lottery Funds	495,024,463	465,044,135	18,610,922	4.00%
Other Funds	60,411,670	61,368,970	1,033,857	1.68%
Federal Funds	1,229,025,341	1,347,599,855	-1,868,489	-0.14%
<b><u>Oregon University System</u></b>				
Other Funds	\$ 2,143,506,152	\$ 2,314,640,162	\$ 17,398,584	0.75%
Federal Funds	69,361,591	68,951,615	1,868,489	2.71%
<b><u>Human Services Program Area</u></b>				
<b><u>Department of Human Services</u></b>				
General Fund	\$ 3,457,960,945	\$ 3,210,568,150	\$ 4,495,246	0.14%
<b><u>Public Safety Program Area</u></b>				
<b><u>Department of Corrections</u></b>				
General Fund	\$ 1,259,794,942	\$ 1,186,351,833	\$ 21,976,985	1.85%

## Budget Summary

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<b><u>District Attorneys and their Deputies</u></b>								
General Fund	\$	10,188,466	\$	10,321,973	\$	93,605		0.91%
<b><u>Department of Justice</u></b>								
General Fund		54,721,022	\$	51,483,520	\$	343,066		0.67%
<b><u>Oregon Military Department</u></b>								
General Fund		26,078,460	\$	24,624,329	\$	-1,722,572		-7.00%
<b><u>Oregon Youth Authority</u></b>								
General Fund	\$	266,009,019		250,980,592		3,160,000		1.26%
<b><u>State Board of Parole and Post-Prison Supervision</u></b>								
General Fund	\$	3,517,191	\$	3,657,600	\$	85,000		2.32%
Other Funds		21,048		10,048		11,000		109.47%
<b><u>Natural Resources Program Area</u></b>								
<b><u>State Forestry Department</u></b>								
General Fund	\$	40,474,980	\$	39,544,834	\$	3,657,675		9.25%
<b><u>Department of State Lands</u></b>								
General Fund	\$	0	\$	415,595	\$	2,025,939		487.48%
<b><u>Consumer and Business Services Program Area</u></b>								
<b><u>Licensed Prof. Counselors and Therapists</u></b>								
Other Funds	\$	789,059	\$	789,059	\$	136,750		17.33%

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	<b>2009-11 Legislatively Adopted Budget</b>	<b>2009-11 Legislatively Approved Spending Level</b>	<b>2009-11 Committee Recommendations</b>	<b>Percentage Change from Legislatively Approved Spending Level</b>
<b><u>Administration Program Area</u></b>				
<b><u>Department of Administrative Services</u></b>				
General Fund	\$ 15,977,629	\$ 12,558,737	\$ 86,128	0.69%
Lottery Funds	5,168,130	5,011,179	323,068	6.45%
Other Funds	2,546,325,457	3,624,130,448	7,590,804	0.21%
<b><u>Employment Relations Board</u></b>				
General Fund	\$ 1,717,400	\$ 1,599,947	\$ 23,380	1.46%
<b><u>Secretary of State</u></b>				
General Fund	\$ 11,639,792	\$ 13,639,792	\$ -252,910	-1.85%
Other Funds	\$ 38,386,600	\$ 38,386,600	\$ -745,548	-1.94%
<b><u>Judicial Branch Program Area</u></b>				
<b><u>Judicial Department</u></b>				
General Fund	\$ 299,252,533	\$ 297,215,227	\$ -13,363,714	-4.50%
<b><u>Public Defense Services Commission</u></b>				
General Fund	\$ 210,794,161	\$ 209,794,161	\$ 795,000	0.38%
<b><u>Judicial Fitness, Commission on</u></b>				
General Fund	\$ 178,929	\$ 178,929	\$ -20,941	-11.70%

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<b><u>Legislative Branch Program Area</u></b>				
<b><u>Legislative Administration Committee</u></b>				
General Fund	\$ 25,297,160	\$ 25,297,160	\$ -824,338	-3.26%
Other Funds	\$ 5,001,240	\$ 5,223,806	\$ 1,209,088	23.15%
<b><u>Legislative Assembly</u></b>				
General Fund	\$ 32,943,483	\$ 32,943,483	\$ -592,651	-1.80%
<b><u>Legislative Counsel</u></b>				
General Fund	\$ 8,394,303	\$ 8,394,303	\$ -600,058	-7.15%
Other Funds	\$ 2,516,368	\$ 2,888,358	\$ 532,000	18.42%
<b><u>Legislative Fiscal Officer</u></b>				
General Fund	\$ 5,995,339	\$ 5,995,339	\$ -234,659	-3.91%
Other Funds	\$ 0	\$ 100,000	\$ -2,484	-2.48%
<b><u>Legislative Revenue Officer</u></b>				
General Fund	\$ 2,134,888	\$ 2,134,888	\$ -50,000	-2.34%
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<b>General Fund Total</b>		\$	39,356,623	
<b>Lottery Funds Total</b>			18,610,922	
<b>Other Funds Total</b>			27,573,247	
<b>Federal Funds Total</b>			0	
		Total	85,540,792	

## **Summary of Revenue Changes**

House Bill 5050 rebalances the State's budget with available resources after the latest revenue forecast. Additional General Fund resources come from reductions to budgets that were not subject to the Governor's allotment reduction administrative rules. These include Legislative Branch agencies, Judicial Branch agencies, and the Secretary of State. The Secretary of State is also transferring Other Funds to the General Fund in lieu of additional reductions. The Tax Amnesty program is projected to increase revenues an additional \$12 million more than forecasted.

Lottery Funds resources are increased by debt service savings in several agencies.

## **Summary of Capital Construction Subcommittee Action**

House Bill 5050 is an omnibus budget reconciliation bill implementing some of the actions needed to rebalance agency budgets for the 2009-11 biennium. Due to a continuing pattern of declining revenue forecasts after the 2009-11 biennial budget was adopted by the Legislature in June 2009, actions had to be taken to keep the state's budget out of a deficit situation.

### **Education Program Area**

#### **Department of Community Colleges and Workforce Development**

The Subcommittee reduced the Department's General Fund and Lottery Funds for debt service expenditures by a total of \$409,196. The Department's Other Funds expenditure limitation for debt service was increased by the same amount. Without these adjustments, the Department is unable to use available bond proceeds to pay debt service costs, and would instead have to spend \$409,196 of General Fund and Lottery Funds that are not actually needed.

During the 2010 Special Session, the Legislature reduced General Fund appropriations for debt service for capital projects authorized in the 2009 Session, after determining that the lower-than-expected costs of these projects permitted some of the proceeds of the certificates of participation (COPS) and bonds (both Other Funds) to be used for debt service in lieu of General Fund. In this process, debt service savings and the application of COPS and bond proceeds were erroneously allocated between in the Department of Administrative Services (DAS) budget and the Department of Community College and Workforce Development (CCWD) budget.

The Subcommittee corrected this situation by transferring \$86,128 of General Fund and \$323,068 of Lottery Funds expenditures for debt service from the CCWD budget to the DAS budget. The correction also involved increasing the Department's Other Funds debt service expenditure limit by \$409,196. There was no change to total debt service expenditures as a result of these actions, only a reallocation of debt service financing between the two department budgets and within the two department budgets.

## **Department of Education**

The Subcommittee modified the Department's budget by increasing \$20,362,570 General Fund, \$18,610,922 Lottery Funds, and \$1,033,857 Other Funds; and decreasing \$1,868,489 Federal Funds for the following:

- \$606,754 General Fund for costs associated with the closure of the Oregon School for the Blind as required in HB 2834 (2009).
- \$817,663 General Fund for local option equalization grants. The appropriation is intended to restore full funding for the 2009-10 grants which were reduced due to allotment reductions taken by the Governor and to fund the 2010-11 grants.
- \$2,004,272 General Fund for early childhood education services. The appropriation augments the actions taken at the December 2010 meeting of the Emergency Board and should extend the Early Intervention/Early Childhood Special Education and Oregon Prekindergarten services through the end of the biennium.
- \$1,033,857 Other Funds for the Youth Corrections Education Program, with the understanding that the Department of Education will unschedule the limitation until additional information is provided concerning service impacts to students within Oregon Youth Authority and county juvenile detention centers.
- \$1,868,489 Federal Funds decreased to maintain the allocation of federal resources between education sectors as required under the American Recovery and Reinvestment Act, State Fiscal Stabilization Fund. A mirror image increase of \$1,868,489 Federal Funds is made to the Oregon University System.
- \$16,933,881 General Fund and \$18,610,922 Lottery Funds to retain total funding for the 2009-11 State School Fund in the amount of \$5.756 billion. While the composition of funding sources has been modified, this total funding level is equivalent to the level anticipated in the 2009 legislative session inclusive of the \$200 million commonly referred to as the "trigger" less the June 2010 allotment reduction.

## **Oregon University System**

The Subcommittee increased the Other Funds expenditure limitation established for the Education and General Services program area of the Oregon University System (OUS) by \$17,398,584 to backfill the September 2010 allotment reduction, which reduced OUS's ability to spend General Fund by the same amount as the Other Funds increase. At a special meeting of the Emergency Board in June 2010, OUS received a \$23,089,090 increase in Other Funds expenditure limitation to replace most of the Governor's first round of 2010 General Fund allotment reductions, which took effect June 2010.

In an ongoing effort to ensure compliance with federal America Recovery and Reinvestment Act, State Fiscal Stabilization Fund requirements, the Subcommittee established the General Fund appropriation to the Oregon University System for the Education and General Services program area for the 2009-10 Fiscal Year at \$268,347,857 and the Federal Funds expenditure limitation for the 2009-10 Fiscal Year at \$47,645,677. The Subcommittee further established the General Fund appropriation to the Oregon University System for the Education and General Services program area for the 2010-11 Fiscal Year at \$264,154,874 and the Federal Funds expenditure limitation for the 2010-11 Fiscal Year at \$23,174,427.

The Subcommittee also included Federal Funds expenditure limitation adjustments necessary to maintain the allocation of federal resources between education sectors as required under the American Recovery and Reinvestment Act, State Fiscal Stabilization Fund. The required adjustment in the OUS Education and General Program area increased Federal Funds for 2010-2011 Fiscal Year by \$1,868,489. With this

adjustment in OUS, a mirror image reduction of \$1,868,489 Federal Funds in the State School Fund, and the setting of General Fund appropriation funding splits between the two fiscal years of the 2009-11 biennium detailed above, the state continues its efforts to meet all federal ARRA requirements.

## **Human Services Program Area**

### **Department of Human Services**

The Subcommittee recommended an appropriation of \$3.9 million General Fund to the Department of Human Services (DHS) to continue certain programs and services for elderly and developmentally disabled individuals, and children and adults needing mental health services, which in the current budget would be reduced or eliminated as of March 31, 2011. These reductions were proposed as part of DHS' plan to meet its share of the statewide General Fund allotment reductions directed in June 2010, but the Emergency Board provided funding to continue the programs and services through March 31. The \$3.9 million will continue, through June 30, 2011, community mental health services for adults and children not eligible for Medicaid, Oregon Project Independence in-home services for the elderly, case management for children with developmental disabilities, the developmental disability Family Support Program, and Medicaid Targeted Case Management services for persons with developmental disabilities. The Subcommittee also added \$0.3 million General Fund to supplement the funding approved by the Emergency Board in December 2010 for Medicaid In-home Instrumental Activities of Daily Living hours for aged and disabled clients, to fully fund the services through June 30, 2011.

An additional \$268,944 General Fund is allocated for DHS' costs for providing developmental disability services to students moved from the Oregon School for the Blind at its closure. Of the 28 students initially moved from the school, 19 have received services from DHS. Most are being served with in-home supports; over half of the overall costs, however, come from out-of-home/residential care for four individuals. The General Fund allocation reflects the direct service costs only. The Department is providing general services such as case management through its other budgeted resources.

## **Public Safety Program Area**

### **Department of Corrections**

The Subcommittee appropriated \$23,089,620 General Fund to the Department of Corrections. This net amount is a combination of the original estimate to prevent the closure of any further prison facilities and release of inmates offset by \$5 million in savings identified in the Department's budget, primarily in the health services area. The majority of the funding is for the operations and health services (\$20.9 million), \$1.4 million for transitional services, and the remainder for related central services. The Department has also identified \$1,112,635 in General Fund debt service savings it will not require to meet obligations for the 2009-11 biennium.



## **Department of Justice**

The Subcommittee added \$343,066 to the budget of the Department of Justice to pay the remaining estimated 2009-11 costs for the State's defense of its position in litigation relating to the Master Settlement Agreement (MSA) with major tobacco companies. Estimated costs for the 2009-11 biennium, including this additional amount, will total \$2.5 million total funds. Approximately \$160 million in revenue from the MSA is expected during each of the 2009-11 and 2011-13 biennia.

## **District Attorneys and Their Deputies**

The Subcommittee added \$93,605 General Fund to the budget of the District Attorneys and Their Deputies to fully fund the health insurance payments of the 36 District Attorneys. Their costs are higher per employee than most state agencies since a proportional larger share of them live in areas of the state with higher insurance premiums.

## **Oregon Military Department**

The Subcommittee disappropriated \$750,341 General Fund savings from the Community Support Program that resulted from federal legislation that increased federal matching funds for the Oregon Youth Challenge Program (OYCP) from 60% to 75% effective October 1, 2009. OYCP is able to meet its federal matching funds requirement using Average Daily Membership (ADM) revenue received from the Bend-LaPine School District. Therefore, there will be no impact to the OYCP by this action.

Treasury sales this biennium of General Obligation bonds and certificates of participation have been at more favorable interest rates and financing costs than originally anticipated in the 2009-11 legislatively adopted budget. This has resulted in General Fund and Other Fund Debt Service savings. The Subcommittee recommended that the remaining savings of \$1,254,911 be disappropriated.

The Subcommittee also approved a \$62,517 General Fund appropriation to the Administration Program to continue six existing administrative positions (0.75 FTE) from April 1<sup>st</sup>, 2011 to June 30<sup>th</sup>, 2011. The Subcommittee also approved a \$220,163 General Fund appropriation to the Operations Program to continue 38 existing maintenance positions (4.75 FTE) from April 1<sup>st</sup>, 2011 to June 30<sup>th</sup>, 2011.

These 44 positions were originally part of the Governor's 2010 allotment reductions, however, the December 2010 Emergency Board approved temporary funding for their continuance through March 30<sup>th</sup>, 2011.

The Subcommittee directed that the six Administrative Program positions and the 38 Operations Program positions are to be converted from permanent full-time positions to limited duration positions.

## **Oregon Youth Authority**

The Oregon Youth Authority (OYA) budget is increased by \$3.16 million General Fund to protect close custody beds and prevent staff layoffs through the end of the 2009-11 biennium. This action, which backfills a portion of the agency's 2009-11 allotment reductions, also buys time for

OYA to work with the Legislature, Governor, counties, courts, and other partners to strategically implement a “glide path” for reducing services in the 2011-13 biennium.

### **State Board of Parole and Post-Prison Supervision**

The Subcommittee recommended an appropriation of \$85,000 General Fund to State Board of Parole and Post-Prison Supervision and increased the agency’s Other Funds expenditure limitation by \$11,000. The increases are needed to provide sufficient funding for Attorney General legal services and psychiatric/medical examination costs. They partially offset over \$300,000 in General Fund allotment reductions taken during the 2009-11 biennium. The Board has very little control over its legal expenses since most of the costs are due to challenges to the Board’s decisions by those under the Board’s supervision.

## **Natural Resources Program Area**

### **Department of State Lands**

The Subcommittee approved an appropriation of \$2,025,939 General Fund to the Department of State Lands to pay Attorney General expenses and expert witness fees to assess the sites and provide an evaluation of state activities at or adjacent to virtually every upland site and the contamination, remedy, and associated costs in each sediment management area related to the Portland Harbor Superfund site.

### **Department of Forestry**

The Subcommittee approved an appropriation of \$3,657,675 General Fund to the Department of Forestry for costs associated with contracting for large air tankers and helicopters to supplement fire suppression resources for the 2009 fire season and to pay the 2010 fire insurance premium.

## **Consumer and Business Services Program Area**

### **Board of Licensed Professional Counselors and Therapists**

The Subcommittee approved an increase in Other Funds limitation of \$136,750. In 2010, the Board of Licensed Professional Counselors and Therapists conducted background checks on all of its existing licensees. These background checks cost \$47.25 each, for a total cost of \$136,750. The Board also incurred additional costs from disciplinary actions taken as a result of findings from these background checks, primarily as a result of increased Attorney General costs.

## **Administration Program Area**

### **Department of Administrative Services**

For the Department of Administrative Services (DAS), Facilities Division, the Subcommittee approved an increase of \$8,000,000 Other Funds Debt Service expenditure limitation for the potential prepayment of debt service. DAS has requested to use \$8 million in existing cash – \$4.5 million from the sale of DAS motor pool properties, \$2.5 million from its Capital Project Fund reserve, and \$1 million from the Parking Fund – to make some 2011-13 debt service payments in the current biennium instead. The debt prepayment would reduce the agency's facilities budget for 2011-13 and allow DAS to charge agencies less in rent for that biennium. Both the lower budget and rent have been built into the 2011-13 Governor's budget.

However, the Legislative Fiscal Office has not yet had a chance to review the DAS 2011-13 budget, nor have they been able to fully evaluate the \$8 million's proposed use versus other options. The Department of Administrative Services, Budget and Management Division, is requested to unschedule the \$8 million Other Funds expenditure limitation until 1) that review and evaluation are complete and 2) LFO indicates approval of the proposal has been recommended and accepted. In order to execute the prepayment plan, DAS needs to have the approval and expenditure limitation in place by April 1, 2011. Both LFO and the Subcommittee wanted to provide flexibility for approving the request without requiring a separate budget bill to be drafted and approved in the relatively narrow window between now and April 1. This concern drives the action to approve the expenditure limitation with the un-scheduling provision.

The Subcommittee also increased the Department's General Fund and Lottery Funds for debt service expenditures by a total of \$409,196. The Department's Other Funds expenditure limitation for debt service was reduced by the same amount. Without these adjustments, the funds available to the Department to pay debt service costs would be \$409,196 less than what is actually required.

During the 2010 Special Session, the Legislature reduced General Fund appropriations for debt service for capital projects authorized in the 2009 Session, after determining that the lower-than-expected costs of these projects permitted some of the proceeds of the certificates of participation (COPS) and bonds (both Other Funds) to be used for debt service in lieu of General Fund. In this process, debt service savings and the application of COPS and bond proceeds were erroneously allocated between in the Department of Administrative Services (DAS) budget and the Department of Community College and Workforce Development (CCWD) budget.

The Subcommittee corrected this situation by transferring \$86,128 of General Fund and \$323,068 of Lottery Funds expenditures for debt service from the CCWD budget to the DAS budget. The correction also involved reducing the Department's Other Funds debt service expenditure limit by \$409,196. There was no change to total debt service expenditures as a result of these actions, only a reallocation of debt service financing between the two department budgets and within the two department budgets.

### **Employment Relations Board**

The Subcommittee approved the restoration of \$23,380 in across-the-board General Fund allotment reductions ordered by the Governor for the Employment Relations Board during the 2009-11 biennium. This one-time supplemental appropriation will allow the Board to restore funding

for three administrative law judges, two mediator positions, and one administrative support position, which had previously been required to take additional furlough days in order to achieve the required reduction total. This funding will allow the Board to reduce case backlogs and meet the demands of an increasing caseload.

### **Secretary of State**

The Subcommittee approved reductions in General Fund appropriations totaling \$252,910, and approved Other Funds expenditure limitation reductions totaling \$745,548. These adjustments combine: a) \$1,062,372 of reductions to the agency budget, with b) an additional \$63,914 of General Fund for costs associated with the decennial redistricting.

Under statute, the Secretary of State is exempt from Department of Administrative Services (DAS) allotment control. The agency was therefore not included in the General Fund allotment reductions that were implemented during the biennium to avoid General Fund deficit. The Secretary, however, reduced expenditures by \$1,062,372 to provide additional funds to address the General Fund budget shortfall. This amount is slightly higher than what the agency's funding reductions would have been if it had been subject to the allotment reductions applied to the General Fund appropriations under DAS allotment control.

The Secretary's reductions included \$316,824 of General Fund reductions and \$745,548 of Other Funds reductions. The Subcommittee approved these expenditure reductions to allow these funds to be used to address other budget needs. The Other Funds expenditures were to have been financed from Corporation Division fee revenues. HB 3339 transfers \$745,548 of Corporation Division fee revenues to the General Fund to make them available for general governmental purposes.

### **Legislative Branch Program Area**

The Subcommittee disappropriated General Fund in lieu of the 4.63 percent allotment reductions imposed by the Governor in June 2010. The Legislative Branch was not subject to the Governor's allotment reductions but chose to reduce budgets by an amount equal to the first allotment reduction. The reductions include:

Legislative Assembly	\$ 854,861
Legislative Administration Committee	\$ 1,324,198
Legislative Counsel	\$ 600,058
Legislative Fiscal Office	\$ 234,659
Legislative Revenue Office	\$ 50,000

In addition, there were two Special Purpose Appropriation that were reserved for the Legislative Branch totaling \$1.4 million. After actual costs were calculated only \$762,070 was needed, generating another \$637,930 in savings.

Other Funds limitation was increased for Legislative Administration by \$1,246,857 to utilize savings in Certificates of Participation that can be used to pay debt service, a lighting grant, and a change in printing procedures. Other Funds were increased by \$532,000 to facilitate the use of Other Funds to offset General Fund reductions in the Legislative Counsel office.

The Subcommittee also approved the transfer of the unexpended balance of House Bill 2287 (2009) court surcharge revenue in the Legislative Fiscal Office (\$2,484) and Legislative Committee Services (\$37,769) back to the Judicial System Surcharge Account for distribution to the Judicial Department and the Public Defense Services Commission.

### **Judicial Branch Program Area**

During the 2009 session, the Legislature passed HB 2287 as a temporary source of revenue to backfill specific General Fund reductions in the Judicial Branch. The measure generated revenue from court fees and surcharges and was anticipated to raise \$39.6 million, with the majority of the revenue going to the Judicial Department and the Public Defense Services Commission.

#### **Judicial Department**

The Subcommittee disappropriated \$13,363,714 General Fund, which is an amount equivalent to the 4.63 percent June 2010 allotment reductions ordered by the Governor. The Department was not required to take an equivalent 3.02% September 2010 allotment reduction.

The following reductions include budgetary savings and unspecified reductions, which will either have no or minimal impact on court operations.

- Debt Service savings of \$436,717
- One-time judge Public Employee Retirement System savings of \$887,951
- Judge vacancy savings of \$501,000
- Elimination of a contingency fund of \$1,051,125
- Mandated payments of savings of \$500,000
- A fund shift of State Government Service Charges to Other Funds (Revenue Management/Collections) of \$1,651,584
- Merit/furlough savings of \$335,337
- Unspecified savings of \$8,000,000

At the Department's request, the Subcommittee authorized the Department to expend \$2.8 million of HB 2287 Other Fund revenue in lieu of General Fund.

#### **Public Defense Services Commission**

The Subcommittee appropriated \$905,000 General Fund for trial-level public defense due to a projected shortfall in HB 2287 (2009) revenue. The appropriation, based on current HB 2287 revenue projections and updated caseload data, will allow the Public Defense Services Commission

to provide financially eligible persons with public defense services through the end of the 2009-11 biennium. The Committee also disappropriated \$110,000 from the Commission's Appellate Division, which is one-time vacancy and facility rental savings.

### **Commission on Judicial Fitness and Disability**

The Commission on Judicial Fitness and Disability has incurred no extraordinary costs for formal investigations or prosecutions this biennium and none are currently anticipated. The Commission's extraordinary budget of \$20,941 was disappropriated by the Subcommittee. If the Commission requires funding for extraordinary costs, it would need to make a formal request to the Legislature prior to any expenditure of funds or not pursue the case.