

BUDGET REPORT AND MEASURE SUMMARY

CARRIER: Rep. Williamson

Joint Committee On Ways and Means

Action: Do Pass.

Action Date: 06/30/15

Vote:

House

Yeas: 12 - Buckley, Gomberg, Huffman, Komp, McLane, Nathanson, Rayfield, Read, Smith, Whisnant, Whitsett, Williamson

Senate

Yeas: 12 - Burdick, Devlin, Girod, Hansell, Johnson, Monroe, Roblan, Shields, Steiner Hayward, Thomsen, Whitsett, Winters

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Reviewed By: Daron Hill, Laurie Byerly, and Steve Bender, Legislative Fiscal Office

Agency: Office of the Governor

Biennium: 2015-17

Budget Summary

	2013-15 Legislatively Approved Budget	2015-17 Current Service Level	2015-17 Committee Recommendation	Committee Change from 2013-15 Leg. Approved	
				\$ Change	% Change
General Fund	\$ -	\$ -	\$ 175,707	\$ 175,707	0.75%
Total	\$ -	\$ -	\$ 175,707	\$ 175,707	0.75%

Position Summary

Authorized Positions	0	0	1	1
Full-time Equivalent (FTE) positions	0.00	0.00	0.75	0.75

Revenue Summary

A General Fund appropriation in the amount of \$175,707 funds the measure.

Summary of Capital Construction Subcommittee Action

The Subcommittee approved a \$175,707 General Fund appropriation to the Office of the Governor and the establishment of one limited duration Principal Executive Manager F position (0.75 FTE) and associated Services and Supplies to staff the Task Force on Legal Representation in Childhood Dependency. This includes the cost for reimbursement for non-legislative task force members. This is a one-time appropriation that is to be phased-out of the agency 2017-19 biennial budget. The bill has an emergency clause and is effective on passage.

Senate Bill 222 extends the sunset from June 30, 2015 to June 30, 2018 on statutes that temporarily codify current practice authorizing the Department of Human Services (DHS) child welfare case workers to appear in juvenile court dependency proceedings without counsel at hearings required by ORS 419B.305 and proceedings where the district attorney appears on behalf of the state.

If this bill does not become law and the sunset is not extended, the fiscal impact of providing full representation for DHS is projected to be roughly \$7.3 million total funds (\$5.1 million General Fund and \$2.2 Federal Funds) for the 2015-17 biennium. The majority of this amount would be for Department of Justice legal expenses (\$7.2 million). The Public Defense Services Commission could see an increase in costs due to additional issues being presented in court by counsel representing DHS.

Although ORS 9.320 requires state agencies to appear in court proceedings with attorney general counsel, in practice, due to resource constraints, DHS child welfare case workers appear in court without counsel in post-jurisdictional, uncontested hearings. If and when a hearing becomes

contested, the proceeding is set over to allow DHS to appear with counsel. Pre-jurisdictionally, case workers appear without counsel when the state is represented by the district attorney, except in those cases where the position of DHS and the district attorney are not in alignment. During the 2014 Session, this practice was codified until June 30, 2015 [see House Bill 4156 (2014)].

In addition to the extension of the sunset, this measure establishes an 18-member Task Force on Legal Representation in Childhood Dependency. The task force is charged with recommending models to ensure adequate representation for children and parents served by the child welfare system. The task force is required to submit a report to the Legislature by July 15, 2016. The task force sunsets on December 31, 2017.

The fiscal impact of this bill on DHS is estimated to be indeterminate and could be more than minimal depending on how much time agency participants will need to spend on task force activities. As DHS is a key player in the juvenile court proceedings that are the focus of this bill, it is also likely that other agency staff may be asked to help gather and analyze data to provide the task force with necessary decision support materials.

This bill has a minimal fiscal impact on the Public Defense Services Commission, Oregon Judicial Department, and Department of Justice.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 222-B

Office of the Governor
John Borden -- 503-986-1842

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE RECOMMENDATION</u>									
Personal Services	\$ 171,755	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 171,755	1	0.75
Services and Supplies	\$ 3,952	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,952		
TOTAL SUBCOMMITTEE RECOMMENDATION	\$ 175,707	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 175,707	1	0.75