

# AOC

**Association of  
Oregon Counties**

## **Written Testimony in Opposition to HB 2786 Dash-3**

**House Committee on Business and Labor**

Wednesday, April 3, 2019, Hearing Room E, State Capitol, Salem, Oregon

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AOC Legal Counsel**

# District Attorney Services

## SHARED STATE-COUNTY SERVICES

SERVING THE CITIZENS OF OREGON

HEALTH & HUMAN SERVICES	PUBLIC SAFETY	NATURAL RESOURCES & RECREATION	TRANSPORTATION, LAND USE & ECONOMIC DEV.	OTHER COMMUNITY SERVICES
Child Protection	Appellate Court	State Parks	State Highways	Administrative Services
Housing	State Police	State Lands	State Fair	Assessment & Taxation
Mental Health Hospital	State Prison	Water Regulation	Land Use Planning & Coord.	PERS
Aging/Senior Services	Attorney General	Wildlife Regulation	Land Use Permitting	Employee/Labor Relations
Alcohol/Drug Treatment	Trial Courts	County Forest Trust Lands/ State Forest Management	Highway & Road System	Elections
Alcohol/Drug Prevention	District Attorney	Habitat Restoration	Senior & Disabled Transport.	Extension Service
Children & Families Svcs.	911/Emerg. Communications	Wildlife/Predator Control	Energy Development	Telecommunications
Dev. Disabled Services	Emergency Management	Federal Land Policy	Engineering	Administrative Services
Mental Health Services	Homeland Security	Noxious Weed Control	Building Permits & Inspection	Procurement
Oregon Health Plan Svcs.	Community Corrections	Watermaster	Economic Development	Recording Public Documents
Veterans Services	Court Security	County Forest Management	County Fair	County Library
Public Health Services	Juvenile Services	County Parks	Infrastructure Development	County Museums
Environmental Health	Marine Patrol	Vector Control	Surveying	County Service Districts
Housing Services	Drug Courts	Soil & Water Conservation	County Transportation	
Medical Examiner	County Law Library		System	
Emergency Planning and Response	Sheriff Patrol			
Solid Waste Management	Animal Control			
Recycling Programs	Justice Courts			
	Search and Rescue			
	County Jail			

Green = State-Provided Services    Red = State/County-Shared Services    Blue = County-Provided Services

Directly supports schools/education

# Historical State Support

- **State paid for:**
  - **1. District Attorney salaries**
  - **2. A portion of Deputy District Attorney salaries**
  - **3. Witness fees**
  - **4. DAS assessment**
- **1975: State covered 19% of total DA costs**
- **By 2000: State support had been reduced to 9% of total DA costs**

# Attorney General Study

- **1997 Senate Bill 6**
- **1999 AG's Report**
  - **Harm to public safety**
  - **Shift of financial burden**
  - **Recommended: Increase State support by \$20 million**

## Myers Urges Legislators to Increase Funding for District Attorneys

May 14, 1999

Attorney General Hardy Myers strongly urged legislators today to use part of the general fund growth projected by the May revenue forecast to fund District Attorneys.

"The people's prosecutors deserve more state assistance. Although Oregon has invested in prison beds and is considering an additional 100 new state police officers this session, no new funds have been provided for District Attorneys."

District Attorneys are state officers whose primary duty is the prosecution of those who violate state criminal laws. However, the state pays only 9% of the costs of District Attorney operations. County governments pay 80% of the costs, and the remainder comes from other sources, mostly federal grants.

In 1997, the legislature directed Myers to examine the issue of District Attorney funding. Earlier this year, Myers issued a report recommending the state eventually increase its share of District Attorney funding to a 50/50 split with county governments. The report recommended an initial \$20 million increase in state funds in 1999, which would bring the state share to just under one-third of the costs.

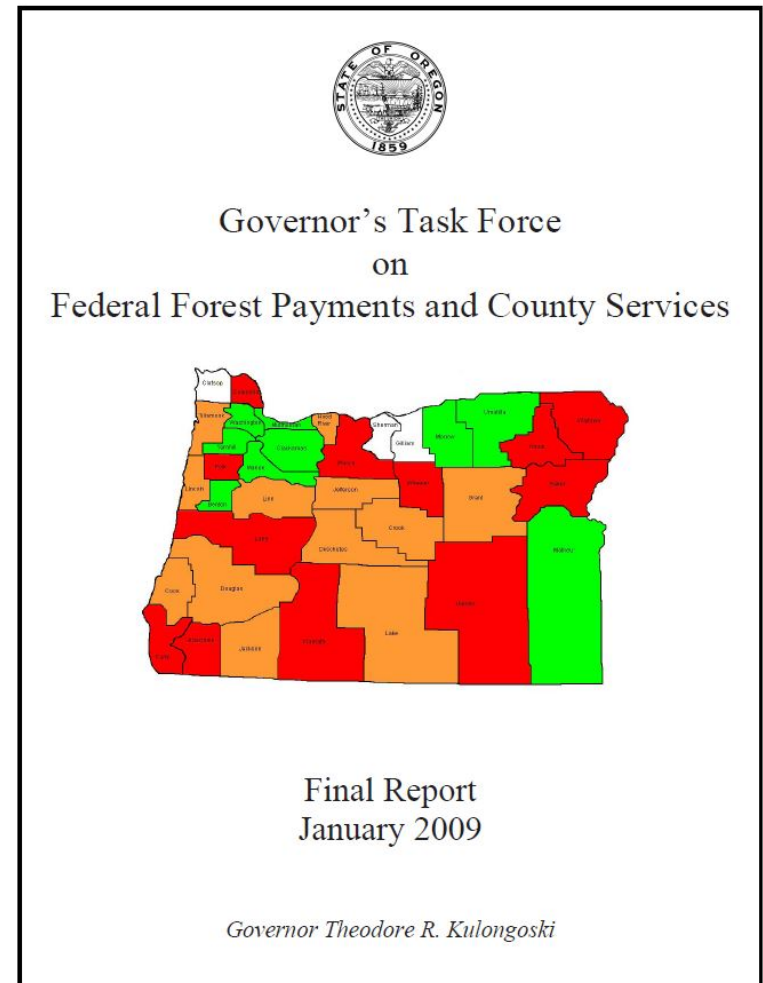
"Make no mistake about it, District Attorneys are struggling to keep up," said Association of Oregon Counties legal counsel Paul Snider, who advocates on this issue for Oregon's county governments. "They're often dealing with overwhelming caseloads, antiquated technology, and the inability to hold onto our best deputies because of the workload. It just doesn't make sense to bring on new police officers at the front of the system, to build prison beds at the back of the system, and to expect that the critical middle - District Attorney - will somehow be able to keep up without any help."

# But Instead . . .

- **By 2003, the State paid for:**
  - **1. District Attorney salaries (partial)**
  - ~~*[A portion of Deputy District Attorney salaries]*~~
  - ~~*[Witness fees]*~~
  - **2. DAS assessment**

# Governor's Task Force Study

- **2009 Report**
  - **Recommendation # 7:  
Restore State support  
for District Attorney  
services**



# Efficiency Task Force Study

- **Task Force on Effective and Cost-Efficient Service Provision**
- **2010 Report:**
  - **Prioritized the GTF recommendations**
  - **Priority # 3: Restore State support for District Attorney services**

## Message from the Chair



The economic crisis facing Oregon and her 36 counties is not a simple matter of short term cash flow – the problem runs much deeper than that. The truth of the matter is that we have an economically unsustainable system of delivering services to Oregonians. While we may need to consider revenue restructuring, that is not the charge of this Task Force. This Task Force is charged with looking at government restructuring – and the timing couldn't be better.

Our system of delivering services is complex, and our bureaucracy is in the way. The natural tendency is for bureaucratic systems to become more complex and tangled over time, as good ideas are piled onto existing systems, wedged in here or tacked on there. It's our job to periodically take a step back, look at the whole picture and make adjustments to those systems so that they are working effectively and efficiently.

The state shares the responsibility of delivering services with counties. The state and counties also share a number of revenues. We find ourselves in a place where funding promises have not been realized, funding agreements have changed and shared revenue agreements are under constant pressure.

But the horizon is not all stormy. Technology, in particular, creates opportunities for transformation and efficiency. Our systems are built on a 20th century framework, but with modern technology, communications, geographic and other data, this framework should be re-built for the 21st century. We need to look at simplification, regionalization, consolidation and reorganization with an emphasis on saving money and improving services.

In addition to the legislative charge to the Task Force, I had two primary personal goals for this Task Force:

1. Come up with some practical, achievable ideas that could be implemented in the short- and medium-term, and
2. Establish new working relationships between state and county agencies that will lead to ongoing continuous improvements so that the efforts will continue beyond the lifetime of the Task Force.

I believe we have met these goals.

Many long hours have gone into the work of this Task Force and I want to thank everyone who participated. I look forward to turning our recommendations into reality and to our ongoing collaborations.

Representative Nancy Nathanson  
Oregon House of Representatives  
District 13

# But Nothing Happened . . .

- **Today, the State only pays for:**
  - **1. District Attorney salaries (partial)**
  - ~~*[A portion of Deputy District Attorney salaries]*~~
  - ~~*[Witness fees]*~~
  - **2. DAS assessment**



# In the Meantime . .

- **PERS, a system forced on counties by the legislature, an unfunded mandate affirmed by a deeply divided Oregon Supreme Court in 1978, has since generated a \$27 billion unfunded actuarial liability (UAL)**
- **Public employer PERS rates are now skyrocketing, to be funded mostly with cuts to core public services**

# HB 2786 Dash-3

- **Would move all Deputy District Attorneys to PERS Police & Fire**
- **This would cost counties at least \$1.5 million more in the first year of implementation alone**
- **The costs would escalate each year from there**
- **That doesn't include UAL and side account impacts**

# HB 2786 Dash-3

- **Please get the PERS house in order first, before imposing another unfunded PERS mandate on counties**
- **Please Vote NO on House Bill 2786 Dash-3**

Respectfully submitted by Rob Bovett  
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