

LEGISLATIVE FISCAL OFFICE
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To: Public Safety Subcommittee
 From: John Borden, Legislative Fiscal Office
 Date: June 9, 2025
 Subject: HB 5031 – Public Defense Commission
 Work Session Recommendations

Public Defense Commission				
<i>Agency Totals</i>				
FUND TYPE	2021-23 ACTUAL	2023-25 LEGISLATIVELY APPROVED	2025-27 CURRENT SERVICE LEVEL	2025-27 LFO RECOMMENDED
General Fund	433,471,652	594,333,409	624,416,420	681,008,933
Other Funds	15,540,114	22,352,949	20,769,678	26,663,258
TOTAL FUNDS	449,011,766	616,686,358	645,186,098	707,672,191
Positions	114	192	172	180
FTE	107.81	163.30	171.80	179.80

The Public Defense Commission’s statutory duty is to establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice (ORS 151.216).

The Legislative Fiscal Office (LFO) recommendation for HB 5031 and the 2025-27 biennium is to fund the Department at \$707.7 million total funds and 180 positions (179.80 FTE). The LFO recommendation is \$91 million, or 14.8%, more than the 2023-25 legislatively approved budget and \$61.9 million, or 9.6%, more than the 2025-27 current service level.

Major budgetary investments or changes include the following:

- Unrepresented Defendant/Persons Crisis: Enhanced Provider Capacity Pilot Program in the six crisis counties (\$2.2 million), continuation of funding for law schools (\$3.4 million), dedicated position for Expedited Resolution Case Docketing (\$492,865), and Case Assignment Coordinators (\$567,182).
- Current Service Level: mandated payment adjustments that are based on Department of Administrative Services - Office of Economic Analysis spring of 2025 public defense forecast (\$38.9 million) and resolving budgeting errors across major divisions (\$15.2 million).
- Critical Investments: funding for 2023-25 biennium Emergency Board actions that carryforward into the 2025-27 biennium (\$1.6 million) and the addition of financial management positions (\$1.3 million).
- Fund Shifts: General Fund to Federal as Other Funds fund shifts in order to maximize the reimbursement of eligible expenditures (\$5.9 million).
- Reductions: targeted reductions (\$17 million), including the abolishment of a vacant position (\$345,624).
- Temporary Hourly Increase Program (THIP): The recommended budget does not include funding for the extension of the THIP, which will end on June 30, 2025; however, the recommendation does include one-time funding for those previously assigned THIP cases that carryforward from the 2023-25 biennium into the 2025-27 biennium (\$18.4 million).

The recommendation includes direction to the Department of Administrative Services to unschedule \$22.1 million General Fund that may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff.

Adjustments to Current Service Level

See attached "Work Session Presentation Report."

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Accept LFO Recommendation

MOTION: I move the LFO recommendation to HB 5031. *(vote)*

OR

Modify LFO Recommendation

MOTION: I move the LFO recommendation to HB 5031, with modifications. *(vote)*

Performance Measures

See attached “Legislatively Proposed 2025-27 Key Performance Measures.”

Accept LFO Recommendation

MOTION: I move the LFO recommendation on Key Performance Measures. *(vote)*

OR

Modify LFO Recommendation

MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. *(vote)*

Budget Notes

#1 Budget Note: Interim Status Reporting

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission’s “12-month plan to address the number of unrepresented Oregonians.” The reports shall also include information on Commission efforts to restructure agency operations, as well as intermediate and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

#2 Budget Note: Operating at Capacity

The Department of Administrative Services is requested to unschedule \$22.1 million General Fund in select programs that may be scheduled only after the submission of a report by the Public Defense Commission to the Joint Committee on Ways and Means for the 2026 legislative session, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity. The Commission is also to report on the preliminary results of the Enhanced Provider Capacity Pilot Program.

#3 Budget Note: Law School Reporting

The Public Defense Services Commission is directed to report to the Joint Committee on Ways and Means during the 2027 legislative session on the legislative investment in law schools, including the total number of students trained, clients served, as well as case outcomes. The Commission may choose to restructure the law school program, and the Commission’s contracts with the law schools, beginning with the 2026-27 academic school year, in order to better integrate the program into the public defense service delivery system and in an effort to

better address the unrepresented defendant/person crisis. Any changes to the law school service delivery model shall be reported to the 2027 Legislature by the Commission.

Accept LFO Recommendation

MOTION: I move the LFO recommendation on Budget Notes. *(vote)*

OR

Modify LFO Recommendation

MOTION: I move the LFO recommendation on Budget Notes, with modifications. *(vote)*

Amendment

LFO recommends a budget of \$681,008,933 General Fund and \$26,663,258 Other Funds, and 180 positions (179.80 FTE), which is reflected in the –1 amendment.

MOTION: I move adoption of the –1 amendment to HB 5031. *(vote)*

Final Subcommittee Action

LFO recommends that HB 5031, as amended by the –1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move HB 5031, as amended, to the Full Committee with a do pass recommendation. *(vote)*

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	557,105,356	-	21,769,668	-	-	-	578,875,024	143	137.55
2023-25 Ebds, SS & Admin Act	37,228,053	-	583,281	-	-	-	37,811,334	49	25.75
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	594,333,409	-	22,352,949	-	-	-	616,686,358	192	163.30
2023-25 Leg Approved Budget (Base)	591,596,364	-	22,352,949	-	-	-	613,949,313	179	157.89
Summary of Base Adjustments	10,173,278	-	-	-	-	-	10,173,278	(7)	13.91
2025-27 Base Budget	601,769,642	-	22,352,949	-	-	-	624,122,591	172	171.80
010: Non-PICS Pers Svc/Vacancy Factor	429,050	-	-	-	-	-	429,050	-	-
020: Phase In / Out Pgm & One-time Cost	(43,722,410)	-	(1,583,281)	-	-	-	(45,305,691)	-	-
030: Inflation & Price List Adjustments	34,512,894	-	10	-	-	-	34,512,904	-	-
040: Mandated Caseload	31,427,244	-	-	-	-	-	31,427,244	-	-
2025-27 Current Service Level	624,416,420	-	20,769,678	-	-	-	645,186,098	172	171.80
080: E-Boards	547,963	-	-	-	-	-	547,963	2	2.00
Adjusted 2025-27 Current Service Level	624,964,383	-	20,769,678	-	-	-	645,734,061	174	173.80
Total LFO Recommended Packages	56,044,550	-	5,893,580	-	-	-	61,938,130	6	6.00
2025-27 Legislative Actions	681,008,933	-	26,663,258	-	-	-	707,672,191	180	179.80
Net change from 2023-25 Leg Approved Budget	86,675,524	-	4,310,309	-	-	-	90,985,833	(12)	16.50
Percent change from 2023-25 Leg Approved Budget	14.6%	0.0%	19.3%	0.0%	0.0%	0.0%	14.8%	(6.3%)	10.1%
Net change from 2025-27 Adj Current Service Level	56,044,550	-	5,893,580	-	-	-	61,938,130	6	6.00
Percent change from 2025-27 Adj Current Service Level	9.0%	0.0%	28.4%	0.0%	0.0%	0.0%	9.6%	3.5%	3.5%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	4,163,436	-	-	-	-	-	4,163,436	9	9.00
2023-25 Ebds, SS & Admin Act	183,996	-	-	-	-	-	183,996	1	0.63
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	4,347,432	-	-	-	-	-	4,347,432	10	9.63
2023-25 Leg Approved Budget (Base)	4,647,432	-	-	-	-	-	4,647,432	10	9.63
Summary of Base Adjustments	168,681	-	-	-	-	-	168,681	(1)	(0.63)
2025-27 Base Budget	4,816,113	-	-	-	-	-	4,816,113	9	9.00
010: Non-PICS Pers Svc/Vacancy Factor	18,498	-	-	-	-	-	18,498	-	-
020: Phase In / Out Pgm & One-time Cost	5,216	-	-	-	-	-	5,216	-	-
030: Inflation & Price List Adjustments	43,015	-	-	-	-	-	43,015	-	-
060: Technical Adjustments	151,438	-	-	-	-	-	151,438	-	-
2025-27 Current Service Level	5,034,280	-	-	-	-	-	5,034,280	9	9.00
Adjusted 2025-27 Current Service Level	5,034,280	-	-	-	-	-	5,034,280	9	9.00
Total LFO Recommended Packages	(1,677,831)	-	-	-	-	-	(1,677,831)	(4)	(4.00)
2025-27 Legislative Actions	3,356,449	-	-	-	-	-	3,356,449	5	5.00
Net change from 2023-25 Leg Approved Budget	(990,983)	-	-	-	-	-	(990,983)	(5)	(4.63)
Percent change from 2023-25 Leg Approved Budget	(22.8%)	0.0%	0.0%	0.0%	0.0%	0.0%	(22.8%)	(50.0%)	(48.1%)
Net change from 2025-27 Adj Current Service Level	(1,677,831)	-	-	-	-	-	(1,677,831)	(4)	(4.00)
Percent change from 2025-27 Adj Current Service Level	(33.3%)	0.0%	0.0%	0.0%	0.0%	0.0%	(33.3%)	(44.4%)	(44.4%)

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package reduces General Fund by \$606,918 and one permanent full-time General Counsel position (1.00 FTE). With the transfer of the Public Defense Commission to the executive branch of government on January 1, 2024, the expectation is that the Commission will transition from in-house counsel to Department of Justice legal services, as is the practice of other executive branch that fall under the authority of the Governor. Remaining in the budget is \$372,730 to fund Attorney General charges.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(606,918)	-	-	-	-	-	(606,918)	(1)	(1.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 802 Vacant Position Reductions

Package Description This package reduces General Fund by \$345,624 and abolishes one permanent full-time position (1.00 FTE). The position is one of two Internal Auditors provided the Commission by the 2021 Legislature that has been a long-term vacancy. The reduction includes \$57,604 in associated services and supplies.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(345,624)	-	-	-	-	-	(345,624)	(1)	(1.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 804 Position Rebalance

Package Description This package reduces General Fund by \$725,289 for the following two actions:

- (1) This package transfers one permanent full-time position Internal Auditor position to the Compliance, Audit, and Performance Management Division. The cost of the position is \$401,423 General Fund and one position (1.00 FTE)(see Policy Package #804 Position Rebalance under the Compliance, Audit, and Performance Management Division); and
- (2) This package transfers a permanent full-time Operations and Policy Analyst 3 position from the Executive Division back to the Administrative Services Division. The cost of the position is \$323,866 General Fund and one position (1.00 FTE)(see Policy Package #804 Position Rebalance under the Administrative Services Division).

LFO Recommendation Approve the request.

Budget Notes #2 Budget Note: Operating at Capacity

The Department of Administrative Services is requested to unschedule \$22.1 million General Fund in select programs that may be scheduled only after the submission of a report by the Public Defense Commission to the Joint Committee on Ways and Means for the 2026 legislative session, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity. The Commission is also to report on the preliminary results of the Enhanced Provider Capacity Pilot Program.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(725,289)	-	-	-	-	-	(725,289)	(2)	(2.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	6,400,917	-	-	-	-	-	6,400,917	17	16.38
2023-25 Ebds, SS & Admin Act	168,376	-	-	-	-	-	168,376	3	1.29
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	6,569,293	-	-	-	-	-	6,569,293	20	17.67
2023-25 Leg Approved Budget (Base)	7,069,293	-	-	-	-	-	7,069,293	18	17.01
Summary of Base Adjustments	883,042	-	-	-	-	-	883,042	-	0.99
2025-27 Base Budget	7,952,335	-	-	-	-	-	7,952,335	18	18.00
010: Non-PICS Pers Svc/Vacancy Factor	42,899	-	-	-	-	-	42,899	-	-
020: Phase In / Out Pgm & One-time Cost	30,836	-	-	-	-	-	30,836	-	-
030: Inflation & Price List Adjustments	12,348	-	-	-	-	-	12,348	-	-
060: Technical Adjustments	698,542	-	-	-	-	-	698,542	2	2.00
2025-27 Current Service Level	8,736,960	-	-	-	-	-	8,736,960	20	20.00
Adjusted 2025-27 Current Service Level	8,736,960	-	-	-	-	-	8,736,960	20	20.00
Total LFO Recommended Packages	(91,442)	-	-	-	-	-	(91,442)	-	-
2025-27 Legislative Actions	8,645,518	-	-	-	-	-	8,645,518	20	20.00
Net change from 2023-25 Leg Approved Budget	2,076,225	-	-	-	-	-	2,076,225	-	2.33
Percent change from 2023-25 Leg Approved Budget	31.6%	0.0%	0.0%	0.0%	0.0%	0.0%	31.6%	0.0%	13.2%
Net change from 2025-27 Adj Current Service Level	(91,442)	-	-	-	-	-	(91,442)	-	-
Percent change from 2025-27 Adj Current Service Level	(1.1%)	0.0%	0.0%	0.0%	0.0%	0.0%	(1.1%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 804 Position Rebalance

Package Description This package reduces General Fund by \$91,422 and has the following two components:

- (1) This package increases General Fund by \$401,423 and one permanent full-time position (1.00 FTE). This action returns an Internal Auditor position to the Compliance, Audit, and Performance Management Division (see Policy Package #804 Position Rebalance under the Executive Division); and
- (2) This package transfers a vacant permanent full-time Deputy General Counsel (1.00 FTE) to the Adult Trial Representation Division primarily for Expedited Resolution Case Docket in Multnomah/Washington/Marion Counties (\$492,865 General Fund)(see Policy Package #804 Position Rebalance under the Adult Trial Representation Division).

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(91,442)	-	-	-	-	-	(91,442)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	24,491,812	-	-	-	-	-	24,491,812	58	57.80
2023-25 Ebds, SS & Admin Act	1,432,884	-	-	-	-	-	1,432,884	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	25,924,696	-	-	-	-	-	25,924,696	58	57.80
2023-25 Leg Approved Budget (Base)	26,424,696	-	-	-	-	-	26,424,696	58	57.80
Summary of Base Adjustments	2,505,428	-	-	-	-	-	2,505,428	-	-
2025-27 Base Budget	28,930,124	-	-	-	-	-	28,930,124	58	57.80
010: Non-PICS Pers Svc/Vacancy Factor	(129,566)	-	-	-	-	-	(129,566)	-	-
030: Inflation & Price List Adjustments	20,794	-	-	-	-	-	20,794	-	-
2025-27 Current Service Level	28,821,352	-	-	-	-	-	28,821,352	58	57.80
Adjusted 2025-27 Current Service Level	28,821,352	-	-	-	-	-	28,821,352	58	57.80
Total LFO Recommended Packages	-	-	-	-	-	-	-	-	-
2025-27 Legislative Actions	28,821,352	-	-	-	-	-	28,821,352	58	57.80
Net change from 2023-25 Leg Approved Budget	2,896,656	-	-	-	-	-	2,896,656	-	-
Percent change from 2023-25 Leg Approved Budget	11.2%	0.0%	0.0%	0.0%	0.0%	0.0%	11.2%	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2025-27 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	267,580,283	-	-	-	-	-	267,580,283	17	14.37
2023-25 Ebds, SS & Admin Act	22,428,096	-	-	-	-	-	22,428,096	29	15.93
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	290,008,379	-	-	-	-	-	290,008,379	46	30.30
2023-25 Leg Approved Budget (Base)	290,008,379	-	-	-	-	-	290,008,379	46	30.30
Summary of Base Adjustments	5,845,095	-	-	-	-	-	5,845,095	(1)	14.70
2025-27 Base Budget	295,853,474	-	-	-	-	-	295,853,474	45	45.00
010: Non-PICS Pers Svc/Vacancy Factor	446,082	-	-	-	-	-	446,082	-	-
020: Phase In / Out Pgm & One-time Cost	(7,543,480)	-	-	-	-	-	(7,543,480)	-	-
030: Inflation & Price List Adjustments	18,552,190	-	-	-	-	-	18,552,190	-	-
040: Mandated Caseload	14,735,792	-	-	-	-	-	14,735,792	-	-
060: Technical Adjustments	(17,528,421)	-	-	-	-	-	(17,528,421)	(45)	(45.00)
2025-27 Current Service Level	304,515,637	-	-	-	-	-	304,515,637	-	-
Adjusted 2025-27 Current Service Level	304,515,637	-	-	-	-	-	304,515,637	-	-
Total LFO Recommended Packages	25,061,030	-	-	-	-	-	25,061,030	-	-
2025-27 Legislative Actions	329,576,667	-	-	-	-	-	329,576,667	-	-
Net change from 2023-25 Leg Approved Budget	39,568,288	-	-	-	-	-	39,568,288	(46)	(30.30)
Percent change from 2023-25 Leg Approved Budget	13.6%	0.0%	0.0%	0.0%	0.0%	0.0%	13.6%	(100.0%)	(100.0%)
Net change from 2025-27 Adj Current Service Level	25,061,030	-	-	-	-	-	25,061,030	-	-
Percent change from 2025-27 Adj Current Service Level	8.2%	0.0%	0.0%	0.0%	0.0%	0.0%	8.2%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package reduces General Fund by \$1.7 million for misdemeanors caseload savings arising from a legislative investment in law schools (see Policy Package #806 Legislative Investments under the Special Programs, Contracts, and Distributions Division).

LFO Recommendation Approve the package.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(1,672,675)	-	-	-	-	-	(1,672,675)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 806 Legislative Investments

Package Description This package appropriates \$10.1 million General Fund and is comprised of two components:

- (1) Appropriates \$7.8 million General Fund for a 2025-27 current service level budgeting error that neglected to include or phase-in of \$5.7 million for ten contract provider attorneys (HB 2504, 2024) and \$2 million for ten contract provider attorneys (SB 5701, 2024).
- (2) Appropriates \$2.2 million General Fund to fund an Enhanced Provider Capacity pilot program to compensate existing contract provider Maximum Attorney Capacity (MAC) who operate at or above MAC standards and within professional and ethical standards. The Pilot Program is limited to the six crisis counties of Multnomah, Washington, Marion, Jackson, Douglas, and Coos. This is a one-time appropriation.

LFO Recommendation Approve the request, with \$2.2 million for the Enhanced Provider Capacity pilot program being a one-time investment.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	10,045,082	-	-	-	-	-	10,045,082	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 840 Mandated Caseloads

Package Description This package appropriates \$16.7 million General Fund as an adjustment to the current service level Essential Package 040 Mandated Caseload. The adjustment is based on the Department of Administrative Services - Office of Economic Analysis forecasted caseload change for the spring of 2025, as calculated by the Public Defense Commission (PDC). The Adult Trial Division is subject to a mandated caseload and is budgeted based on anticipated caseload changes for state constitution or court actions. PDC submitted a mandated caseload adjustment of \$14.7 million General Fund for this division as part of the current service level budget.

The combined mandated case adjustment for this division is comprised of the adjustment from this package plus the current service level Essential Package 040 Mandated Caseload (\$14.7 million) and which totals \$31.4 million General Fund.

With the mandated caseload adjustment, the PDC estimates that the Adult Trial Division will take 153,858, or 77.5%, of the 198,586 in forecasted cases for the biennium; however, 1,060 misdemeanor cases will be handled by a contract with three Oregon law schools (see Package #106 - Legislative Investment - Special Programs Contract, and Distributions Division).

The budget Maximum Attorney Capacity for the division totals 437.33, which is comprised of 416.94 MAC providing direct legal services and 20.39 MAC providing supervision and training. In addition, there is budgeted 56.59 provider FTE for investigators.

LFO Recommendation Approve the request.

Budget Notes #2 Budget Note: Operating at Capacity

The Department of Administrative Services is requested to unschedule \$22.1 million General Fund in select programs that may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature, and the Joint Committee on Ways and Means, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity. The Commission is also to report on the preliminary results of the Enhanced Provider Capacity Pilot Program.

Budget Instructions The Department of Administrative Services is requested to unschedule \$16.5 million General Fund for the Adult Trial Division, which may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature, and the Joint Committee on Ways and Means, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	16,688,623	-	-	-	-	-	16,688,623	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	50,356,700	-	4,352,000	-	-	-	54,708,700	-	-
2023-25 Ebds, SS & Admin Act	(3,481,261)	-	-	-	-	-	(3,481,261)	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	46,875,439	-	4,352,000	-	-	-	51,227,439	-	-
2023-25 Leg Approved Budget (Base)	46,875,439	-	4,352,000	-	-	-	51,227,439	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2025-27 Base Budget	46,875,439	-	4,352,000	-	-	-	51,227,439	-	-
030: Inflation & Price List Adjustments	3,187,530	-	-	-	-	-	3,187,530	-	-
2025-27 Current Service Level	50,062,969	-	4,352,000	-	-	-	54,414,969	-	-
Adjusted 2025-27 Current Service Level	50,062,969	-	4,352,000	-	-	-	54,414,969	-	-
Total LFO Recommended Packages	(4,645,840)	-	3,041,486	-	-	-	(1,604,354)	-	-
2025-27 Legislative Actions	45,417,129	-	7,393,486	-	-	-	52,810,615	-	-
Net change from 2023-25 Leg Approved Budget	(1,458,310)	-	3,041,486	-	-	-	1,583,176	-	-
Percent change from 2023-25 Leg Approved Budget	(3.1%)	0.0%	69.9%	0.0%	0.0%	0.0%	3.1%	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	(4,645,840)	-	3,041,486	-	-	-	(1,604,354)	-	-
Percent change from 2025-27 Adj Current Service Level	(9.3%)	0.0%	69.9%	0.0%	0.0%	0.0%	(3.0%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package reduces General Fund by \$1.3 million for a 2025-27 current service level budgeting error and to reserve a phase-in that was mistakenly attributed to the Juvenile Division for one-time incentive payments (\$1.2 million). The package includes an associated reduction to the inflation factor (\$83,937).

LFO Recommendation Approve the package.

Budget Instructions The Department of Administrative Services is requested to unschedule \$2.3 million General Fund for the Juvenile Trial Division, which may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature, and the Joint Committee on Ways and Means, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(1,318,302)	-	-	-	-	-	(1,318,302)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 807 Title IVE Fund Shift

Package Description This package fund shifts \$3 million General Fund to \$3 million Federal as Other Funds for Title IV-E as reimbursement for state expenses. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. The revision also covered the training of contracted legal service providers.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(3,041,486)	-	3,041,486	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 840 Mandated Caseloads

Package Description This package reduces General Fund by \$286,052 as an adjustment to the current service level Essential Package 040 Mandated Caseload. The adjustment is based on the Department of Administrative Services - Office of Economic Analysis forecasted caseload change for the spring of 2025, as calculated by the Public Defense Commission. The Juvenile Trial Division is subject to a mandated caseload and is budgeted based on anticipated caseload changes for state constitution or court actions. PDC neglected to submit a mandated caseload adjustment for this division as part of the current service level budget.

With the mandated caseload adjustment, the PDC estimates that the Juvenile Trial Division will take 18,976, or 9.6%, of the 198,586 in forecasted cases for the biennium. These are caseloads for juvenile delinquency, juvenile dependency, and termination of parental rights.

The budget Maximum Attorney Capacity for the division totals 100.69, which is comprised of 99.49 MAC providing direct legal services and 1.20 MAC providing supervision and training in non-profit public defender offices. In addition, there is budgeted 2.42 provider FTE for investigators in non-profit public defender offices.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(286,052)	-	-	-	-	-	(286,052)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	54,837,645	-	1	-	-	-	54,837,646	-	-
2023-25 Ebds, SS & Admin Act	3,780,040	-	-	-	-	-	3,780,040	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	58,617,685	-	1	-	-	-	58,617,686	-	-
2023-25 Leg Approved Budget (Base)	58,617,685	-	1	-	-	-	58,617,686	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2025-27 Base Budget	58,617,685	-	1	-	-	-	58,617,686	-	-
020: Phase In / Out Pgm & One-time Cost	(3,332,498)	-	-	-	-	-	(3,332,498)	-	-
030: Inflation & Price List Adjustments	3,759,393	-	-	-	-	-	3,759,393	-	-
040: Mandated Caseload	10,152,285	-	-	-	-	-	10,152,285	-	-
060: Technical Adjustments	25,214,507	-	-	-	-	-	25,214,507	-	-
2025-27 Current Service Level	94,411,372	-	1	-	-	-	94,411,373	-	-
Adjusted 2025-27 Current Service Level	94,411,372	-	1	-	-	-	94,411,373	-	-
Total LFO Recommended Packages	7,010,941	-	1,037,356	-	-	-	8,048,297	-	-
2025-27 Legislative Actions	101,422,313	-	1,037,357	-	-	-	102,459,670	-	-
Net change from 2023-25 Leg Approved Budget	42,804,628	-	1,037,356	-	-	-	43,841,984	-	-
Percent change from 2023-25 Leg Approved Budget	73.0%	0.0%	103735600.0%	0.0%	0.0%	0.0%	74.8%	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	7,010,941	-	1,037,356	-	-	-	8,048,297	-	-
Percent change from 2025-27 Adj Current Service Level	7.4%	0.0%	103735600.0%	0.0%	0.0%	0.0%	8.5%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 090 Analyst Adjustments

Package Description This modified Governor’s package reduces General Fund by \$3.5 million for travel and expert services. The Governor took this reduction from the Public Defense Commission’s ten percent reduction list. The original Governor’s reduction totaled \$7.1 million General Fund.

LFO Recommendation Approve the package, as modified.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(3,526,337)	-	-	-	-	-	(3,526,337)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 107 Temp. Hourly Increase Prog. Carryover

Package Description This package appropriates \$7.3 million General Fund to fund Temporary Hourly Increase Program (THIP) cases that were appointed during the 2023-25 biennium, but which continue or carryforward into the 2025-27 biennium. The request reflects an updated estimate provided by PDC. No funding is included in the budget to extend the THIP for newly appointed cases beyond June 30, 2025.

LFO Recommendation Approve the request, as a one-time adjustment.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	7,307,131	-	-	-	-	-	7,307,131	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package reduces General Funds \$10.7 million due to statewide General Fund resource constraints.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(10,664,883)	-	-	-	-	-	(10,664,883)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 807 Title IVE Fund Shift

Package Description This package fund shifts \$1 million General Fund to \$1 million Federal as Other Funds for Title IV-E as reimbursement for state expenses. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. The revision also covered the training of contracted legal service providers.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(1,037,356)	-	1,037,356	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 840 Mandated Caseloads

Package Description This package appropriates \$14.9 million General Fund as an adjustment to the current service level Essential Package 040 Mandated Caseload. The adjustment is based on the Department of Administrative Services - Office of Economic Analysis forecasted caseload change for the Spring of 2025, as calculated by the Public Defense Commission. The Preauthorized Expense Division is subject to a mandated caseload and is budgeted based on anticipated caseload changes for state constitution or court actions.

The combined mandated case adjustment for this division is comprised of the adjustment from this package plus the current service level Essential Package 040 Mandated Caseload (\$10.2 million) and which totals \$25.1 million General Fund.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	14,932,386	-	-	-	-	-	14,932,386	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	67,113,611	-	4,449,667	-	-	-	71,563,278	-	-
2023-25 Ebds, SS & Admin Act	15,901,563	-	-	-	-	-	15,901,563	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	83,015,174	-	4,449,667	-	-	-	87,464,841	-	-
2023-25 Leg Approved Budget (Base)	75,832,906	-	4,449,667	-	-	-	80,282,573	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2025-27 Base Budget	75,832,906	-	4,449,667	-	-	-	80,282,573	-	-
020: Phase In / Out Pgm & One-time Cost	(21,224,721)	-	-	-	-	-	(21,224,721)	-	-
030: Inflation & Price List Adjustments	3,713,357	-	10	-	-	-	3,713,367	-	-
040: Mandated Caseload	6,539,167	-	-	-	-	-	6,539,167	-	-
060: Technical Adjustments	(25,214,507)	-	-	-	-	-	(25,214,507)	-	-
2025-27 Current Service Level	39,646,202	-	4,449,677	-	-	-	44,095,879	-	-
Adjusted 2025-27 Current Service Level	39,646,202	-	4,449,677	-	-	-	44,095,879	-	-
Total LFO Recommended Packages	23,747,887	-	2,098,261	-	-	-	25,846,148	-	-
2025-27 Legislative Actions	63,394,089	-	6,547,938	-	-	-	69,942,027	-	-
Net change from 2023-25 Leg Approved Budget	(19,621,085)	-	2,098,271	-	-	-	(17,522,814)	-	-
Percent change from 2023-25 Leg Approved Budget	(23.6%)	0.0%	47.2%	0.0%	0.0%	0.0%	(20.0%)	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	23,747,887	-	2,098,261	-	-	-	25,846,148	-	-
Percent change from 2025-27 Adj Current Service Level	59.9%	0.0%	47.2%	0.0%	0.0%	0.0%	58.6%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 090 Analyst Adjustments

Package Description This modified Governor’s package reduces General Fund by \$1.9 million for travel and expert services. The Governor took this reduction from the Public Defense Commission’s ten percent reduction list and included in the 2025-27 Co-Chair Framework budget. The original Governor’s reduction totaled \$3.7 million General Fund.

LFO Recommendation Approve the request, as modified.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(1,871,592)	-	-	-	-	-	(1,871,592)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 107 Temp. Hourly Increase Prog. Carryover

Package Description This package appropriates \$11.1 million General Fund to fund Temporary Hourly Increase Program (THIP) cases that were appointed during the 2023-25 biennium, but which continue or carryforward into the 2025-27 biennium. The request reflects an updated estimate provided by PDC. No funding is included in the budget to extend the THIP for newly appointed cases beyond June 30, 2025.

LFO Recommendation Approve the request, as a one-time adjustment.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	11,121,931	-	-	-	-	-	11,121,931	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 806 Legislative Investments

Package Description This package appropriates \$9.6 million General Fund for a 2025-27 current service level budgeting error that mistakenly phase-out in the wrong program a \$9 million of provider incentive payment. The package includes an associated inflation factor adjustment of \$612,603.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	9,621,474	-	-	-	-	-	9,621,474	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 807 Title IVE Fund Shift

Package Description This package fund shifts \$2.1 million General Fund to \$2.1 million Federal as Other Funds for Title IV-E as reimbursement for state expenses. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. The revision also covered the training of contracted legal service providers.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(2,098,261)	-	2,098,261	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 840 Mandated Caseloads

Package Description This package appropriates \$7 million General Fund as an adjustment to the current service level Essential Package 040 Mandated Caseload. The adjustment is based on the Department of Administrative Services - Office of Economic Analysis forecasted caseload change for the spring of 2025, as calculated by the Public Defense Commission. The Court Mandated Expense Division is subject to a mandated caseload and is budgeted based on anticipated caseload changes for state constitution or court actions.

The combined mandated case adjustment for this division is comprised of the adjustment from this package plus the current service level Essential Package 040 Mandated Caseload (\$6.5 million) and which totals \$13.5 million General Fund.

With the mandated caseload adjustment, the PDC estimates that the Court Mandated Program will take 9,015, or 4.5%, of the 198,586 in forecasted cases for the biennium on an hourly basis.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	6,974,335	-	-	-	-	-	6,974,335	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	-	-	-	-	-	-	-	-	-
2023-25 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget (Base)	-	-	-	-	-	-	-	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2025-27 Base Budget	-	-	-	-	-	-	-	-	-
030: Inflation & Price List Adjustments	3,848	-	-	-	-	-	3,848	-	-
060: Technical Adjustments	17,528,421	-	-	-	-	-	17,528,421	45	45.00
2025-27 Current Service Level	17,532,269	-	-	-	-	-	17,532,269	45	45.00
Adjusted 2025-27 Current Service Level	17,532,269	-	-	-	-	-	17,532,269	45	45.00
Total LFO Recommended Packages	558,539	-	-	-	-	-	558,539	1	1.00
2025-27 Legislative Actions	18,090,808	-	-	-	-	-	18,090,808	46	46.00
Net change from 2023-25 Leg Approved Budget	18,090,808	-	-	-	-	-	18,090,808	46	46.00
Percent change from 2023-25 Leg Approved Budget	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%
Net change from 2025-27 Adj Current Service Level	558,539	-	-	-	-	-	558,539	1	1.00
Percent change from 2025-27 Adj Current Service Level	3.2%	0.0%	0.0%	0.0%	0.0%	0.0%	3.2%	2.2%	2.2%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 804 Position Rebalance

Package Description This package is the transfer of a vacant permanent full-time Deputy General Counsel from the Compliance, Audit and Performance Management Division to the Adult Trial Representation Division for Expedited Resolution Case Docket in Multnomah/Washington/Marion Counties. The package increases General Fund by \$492,865 and one position (1.00 FTE)(see Policy Package #804 Position Rebalance under the Compliance, Audit, and Performance Management Division).

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	492,865	-	-	-	-	-	492,865	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 806 Legislative Investments

Package Description This package appropriates \$65,674 General Fund to fund the upward reclassification of two Senior Deputy Attorney positions to Chief Deputy Defenders in order to provide supervisory control in the Northwest and Southern Regional Pilot Program Offices.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	65,674	-	-	-	-	-	65,674	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 840 Mandated Caseloads

Package Description While there is no mandated caseload adjustment for the Trial Representation Division submitted by the Public Defense Commission, the Division will take 6,504, or 3.3%, of the 198,586 in forecasted cases for the biennium.

The Trial Representation Division is comprised of 46 existing positions (46.00 FTE), which includes 21 attorneys, seven Legal Secretaries, six Program Analysts (Investigators), three Paralegals, three Human Services Case Managers, three Office Specialists 2, and three Administrative Specialist 2.

LFO Recommendation Approve the request.

Budget Instructions The Department of Administrative Services is requested to unschedule \$1 million General Fund for the Trial Representation Division, which may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature, and the Joint Committee on Ways and Means, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	-	-	-	-	-	-	-	-	-
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LFO102 - Work Session Presentation Report
2025-27 Biennium

Version: L - 01 - LFO Analyst Recommended
Cross Reference: 40400-500-00-00-00000
Parent Child Representation Program

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	48,710,092	-	11,968,000	-	-	-	60,678,092	1	1.00
2023-25 Ebds, SS & Admin Act	(4,543,805)	-	-	-	-	-	(4,543,805)	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	44,166,287	-	11,968,000	-	-	-	56,134,287	1	1.00
2023-25 Leg Approved Budget (Base)	44,666,287	-	11,968,000	-	-	-	56,634,287	1	1.00
Summary of Base Adjustments	99,082	-	-	-	-	-	99,082	-	-
2025-27 Base Budget	44,765,369	-	11,968,000	-	-	-	56,733,369	1	1.00
010: Non-PICS Pers Svc/Vacancy Factor	157	-	-	-	-	-	157	-	-
020: Phase In / Out Pgm & One-time Cost	(1,234,365)	-	-	-	-	-	(1,234,365)	-	-
030: Inflation & Price List Adjustments	2,922,649	-	-	-	-	-	2,922,649	-	-
060: Technical Adjustments	(526,114)	-	-	-	-	-	(526,114)	(1)	(1.00)
2025-27 Current Service Level	45,927,696	-	11,968,000	-	-	-	57,895,696	-	-
Adjusted 2025-27 Current Service Level	45,927,696	-	11,968,000	-	-	-	57,895,696	-	-
Total LFO Recommended Packages	810,244	-	(283,523)	-	-	-	526,721	-	-
2025-27 Legislative Actions	46,737,940	-	11,684,477	-	-	-	58,422,417	-	-
Net change from 2023-25 Leg Approved Budget	2,571,653	-	(283,523)	-	-	-	2,288,130	(1)	(1.00)
Percent change from 2023-25 Leg Approved Budget	5.8%	0.0%	(2.4%)	0.0%	0.0%	0.0%	4.1%	(100.0%)	(100.0%)
Net change from 2025-27 Adj Current Service Level	810,244	-	(283,523)	-	-	-	526,721	-	-
Percent change from 2025-27 Adj Current Service Level	1.8%	0.0%	(2.4%)	0.0%	0.0%	0.0%	0.9%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package reduces General Fund by \$17,030 in residual Personal Services budget authority related to the transfer of an PCRCP attorney position to the Compliance, Audit, and Performance Management Division.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(17,030)	-	-	-	-	-	(17,030)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 807 Title IVE Fund Shift

Package Description This package fund shifts \$283,523 from Federal as Other Funds to General Fund for Title IV-E as reimbursement for state expenses. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. The revision also covered the training of contracted legal service providers.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	283,523	-	(283,523)	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 840 Mandated Caseloads

Package Description This package appropriates \$543,751 General Fund as an adjustment to the current service level Essential Package 040 Mandated Caseload. The adjustment is based on the Department of Administrative Services - Office of Economic Analysis forecasted caseload change for the spring of 2025, as calculated by the Public Defense Commission. The Parent Child Representation Program (PCRP) is a non-mandated caseload program.

With the mandated caseload adjustment, the PDC estimates that the PCRP will take 10,233, 5.2%, of the 198,586 in forecasted cases for the biennium. These are caseloads for juvenile delinquency, juvenile dependency, and termination of parental rights.

The budget Maximum Attorney Capacity for the PCRP totals 87.78, which is comprised of 85.35 MAC providing direct legal services and 2.43 MAC providing supervision and training. In addition, there is budgeted 26.77 provider FTE for Case Managers and 3.54 provider FTE for investigators.

LFO Recommendation Approve the request.

Budget Instructions The Department of Administrative Services is requested to unschedule \$2.3 million General Fund for the Parent Child Representation Program, which may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature, and the Joint Committee on Ways and Means, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	543,751	-	-	-	-	-	543,751	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	24,568,388	-	-	-	-	-	24,568,388	41	39.00
2023-25 Ebds, SS & Admin Act	(614,991)	-	-	-	-	-	(614,991)	16	7.90
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	23,953,397	-	-	-	-	-	23,953,397	57	46.90
2023-25 Leg Approved Budget (Base)	26,598,620	-	-	-	-	-	26,598,620	46	42.15
Summary of Base Adjustments	671,950	-	-	-	-	-	671,950	(5)	(1.15)
2025-27 Base Budget	27,270,570	-	-	-	-	-	27,270,570	41	41.00
010: Non-PICS Pers Svc/Vacancy Factor	50,980	-	-	-	-	-	50,980	-	-
020: Phase In / Out Pgm & One-time Cost	(7,866,962)	-	-	-	-	-	(7,866,962)	-	-
030: Inflation & Price List Adjustments	1,755,018	-	-	-	-	-	1,755,018	-	-
060: Technical Adjustments	(323,866)	-	-	-	-	-	(323,866)	(1)	(1.00)
2025-27 Current Service Level	20,885,740	-	-	-	-	-	20,885,740	40	40.00
080: E-Boards	547,963	-	-	-	-	-	547,963	2	2.00
Adjusted 2025-27 Current Service Level	21,433,703	-	-	-	-	-	21,433,703	42	42.00
Total LFO Recommended Packages	2,698,950	-	-	-	-	-	2,698,950	9	9.00
2025-27 Legislative Actions	24,132,653	-	-	-	-	-	24,132,653	51	51.00
Net change from 2023-25 Leg Approved Budget	179,256	-	-	-	-	-	179,256	(6)	4.10
Percent change from 2023-25 Leg Approved Budget	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.8%	(10.5%)	8.7%
Net change from 2025-27 Adj Current Service Level	2,698,950	-	-	-	-	-	2,698,950	9	9.00
Percent change from 2025-27 Adj Current Service Level	12.6%	0.0%	0.0%	0.0%	0.0%	0.0%	12.6%	21.4%	21.4%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 081 May 2024 Emergency Board

Package Description This package appropriates \$547,963 General Fund and authorizes the establishment of two permanent full-time positions (2.00 FTE) for Information technology expenses related to transfer of the agency to the executive branch. This action was originally approved by the Emergency Board in May of 2024 (Item #11). The positions include one permanent full-time Information Technology Specialist 2 (1.00 FTE) for desktop support and one permanent full-time Information Technology Specialist 1 (1.00 FTE) for a triage specialist to support incoming calls and routing of tickets.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	547,963	-	-	-	-	-	547,963	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 082 September 2024 Emergency Board

Package Description This package appropriates \$1.1 million General Fund and authorizes the establishment of three permanent full-time positions (3.00 FTE) for procurement and contract administration staffing. This action was originally approved by the Emergency Board in May of 2024 (Item #10). The positions include: three permanent full-time Program Analyst 4 positions (3.00 FTE) and assigned to the Procurement Section.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	1,093,505	-	-	-	-	-	1,093,505	3	3.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 804 Position Rebalance

Package Description This package is the transfer of a permanent full-time position from the Executive Divison back to the Administrative Services Division. The cost of the position is \$323,866 General Fund and one position (1.00 FTE)(see Policy Package #804 Position Rebalance under the Executive Division).

LFO Recommendation Aprprove the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	323,866	-	-	-	-	-	323,866	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 806 Legislative Investments

Package Description This package appropriates \$1.2 million General Fund and authorizes the establishment of five permanent full-time positions (5.00 FTE) for accounts payable, the review of preauthorized expenditures, and for Case Management Assignment Coordinators.

The positions include: two permanent full-time Accounting Technical 3s (Accounts Payable)(2.00 FTE), one permanent full-time Program Analyst 3 (Preauthorized Expense review)(1.00 FTE), and two Program Analysts 2s (Case Management Assignment Coordinators)(2.00 FTE).

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	1,281,579	-	-	-	-	-	1,281,579	5	5.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	8,882,472	-	1,000,000	-	-	-	9,882,472	-	-
2023-25 Ebds, SS & Admin Act	1,973,155	-	583,281	-	-	-	2,556,436	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	10,855,627	-	1,583,281	-	-	-	12,438,908	-	-
2023-25 Leg Approved Budget (Base)	10,855,627	-	1,583,281	-	-	-	12,438,908	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2025-27 Base Budget	10,855,627	-	1,583,281	-	-	-	12,438,908	-	-
020: Phase In / Out Pgm & One-time Cost	(2,556,436)	-	(1,583,281)	-	-	-	(4,139,717)	-	-
030: Inflation & Price List Adjustments	542,752	-	-	-	-	-	542,752	-	-
2025-27 Current Service Level	8,841,943	-	-	-	-	-	8,841,943	-	-
Adjusted 2025-27 Current Service Level	8,841,943	-	-	-	-	-	8,841,943	-	-
Total LFO Recommended Packages	2,572,071	-	-	-	-	-	2,572,071	-	-
2025-27 Legislative Actions	11,414,014	-	-	-	-	-	11,414,014	-	-
Net change from 2023-25 Leg Approved Budget	558,387	-	(1,583,281)	-	-	-	(1,024,894)	-	-
Percent change from 2023-25 Leg Approved Budget	5.1%	0.0%	(100.0%)	0.0%	0.0%	0.0%	(8.2%)	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	2,572,071	-	-	-	-	-	2,572,071	-	-
Percent change from 2025-27 Adj Current Service Level	29.1%	0.0%	0.0%	0.0%	0.0%	0.0%	29.1%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package is comprised of two components that reduce General Fund by \$865,389.

- (1) Reduces General Fund by \$582,060 for a 2025-27 current service level budgeting error that failed to phase-out one-time funding for a study; and
- (2) Reduces General Fund by \$283,329 that is unattributable to program budgeted activities or outcomes.

These two adjustments have no budgetary impact to the current service level budgets for the reimbursement of county discovery costs (\$6,348,960 General Fund) and civil protective proceedings (\$1,627,594 General Fund).

LFO Recommendation Approve the package.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	(865,389)	-	-	-	-	-	(865,389)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 806 Legislative Investments

Package Description This package appropriates \$3.4 million General Fund for distribution to public and private Law Schools to provide training and supervision of court certified law students to undertake misdemeanor cases. Two of the law schools will collaborate with local public defender offices: University of Oregon with Multnomah Defenders, Inc. as well as Lane County Public Defender Services; and Lewis and Clark with Metropolitan Public Defenders. This initiative is expected to train a combined total of 120 law students to provide public defense services for eligible defendants for 1,060 misdemeanor cases.

With the mandated caseload adjustment, the Public Defense Commission estimates that the Adult Trial Division will take 153,858, or 77.5%, of the 198,586 in forecasted cases for the biennium; however, 1,060 misdemeanor cases will be handled by the contract with three Oregon law school.

LFO Recommendation Approve the request.

Budget Notes #3 Budget Note: Law School Reporting

The Public Defense Services Commission is directed to report to the Joint Committee on Ways and Means during the 2027 legislative session on the legislative investment in law schools, including the total number of students trained, clients served, as well as case outcomes. The Commission may choose to restructure the law school program, and the Commission’s contracts with the law schools, beginning with the 2026-27 academic school year, in order to better integrate the program into the public defense service delivery system and in an effort to better address the unrepresented defendant/person crisis. Any changes to the law school service delivery model shall be reported to the 2027 Legislature by the Commission.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	3,437,460	-	-	-	-	-	3,437,460	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2023-25 Agy. Leg. Adopted	-	-	-	-	-	-	-	-	-
2023-25 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget	-	-	-	-	-	-	-	-	-
2023-25 Leg Approved Budget (Base)	-	-	-	-	-	-	-	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2025-27 Base Budget	-	-	-	-	-	-	-	-	-
2025-27 Current Service Level	-	-	-	-	-	-	-	-	-
Adjusted 2025-27 Current Service Level	-	-	-	-	-	-	-	-	-
Total LFO Recommended Packages	1	-	-	-	-	-	1	-	-
2025-27 Legislative Actions	1	-	-	-	-	-	1	-	-
Net change from 2023-25 Leg Approved Budget	1	-	-	-	-	-	1	-	-
Percent change from 2023-25 Leg Approved Budget	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Net change from 2025-27 Adj Current Service Level	1	-	-	-	-	-	1	-	-
Percent change from 2025-27 Adj Current Service Level	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%

Debt Service

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 806 Legislative Investments

Package Description This package appropriates a \$1 General Fund placeholder for the potential for future debt service payments for the Financial and Case Management System.

LFO Recommendation Approve the request.

LFO Analyst Notes HB 5031 (2025)

LFO Recommended	1	-	-	-	-	-	1	-	-
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Legislatively Proposed 2025 - 2027 Key Performance Measures

Published: 6/8/2025 7:23:59 AM

Agency: Public Defense Commission

Mission Statement:

Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2026	Target 2027
1. APPELLATE CASE PROCESSING - Median number of days to file opening brief.		Approved	205	180	180
2. 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.	Timeliness	Approved	15%	95%	95%
	Accuracy		51%	95%	95%
	Availability of Information		34%	95%	95%
	Overall		18%	95%	95%
	Helpfulness		52%	95%	95%
	Expertise		47%	95%	95%
3. BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.		Approved	93%	100%	100%
4. TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.		Approved	35%	90%	90%
5. PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).		Approved	8%	95%	95%
6. PROVISIONING OF PUBLIC DEFENSE - The percentage of financially eligible defendants/persons receiving a public defender.		Proposed New		100%	100%

LFO Recommendation:

The Commission's Key Performance Measure (KPM) outcomes continue to exhibit suboptimal performance. After receiving direction from both the 2021 and 2023 Legislatures, the Commission has undertaken little discernable effort to undertake a comprehensive review and restructuring of the Commission's KPMS, targets, and data to align with the programmatic structure of the agency. While the Commission did submit a Quality Management Plan and Key Performance Measurements report to the 2024 Legislature, there has been no subsequent action by the Commission to update the Commission's KPMS.

The Legislative Fiscal Office makes the following recommendations: (a) add a new KPM related to the percentage of financially eligible defendants/persons receiving a public defender with a target of 100%; (b) approval of the Commission's existing Performance Measurements and targets; and (c) direct the Public Defense Commission to report to the 2026 Legislative Session with a comprehensive restructuring of the Commission's Key Performance Measures and targets for the 2027-29 biennium.

SubCommittee Action: