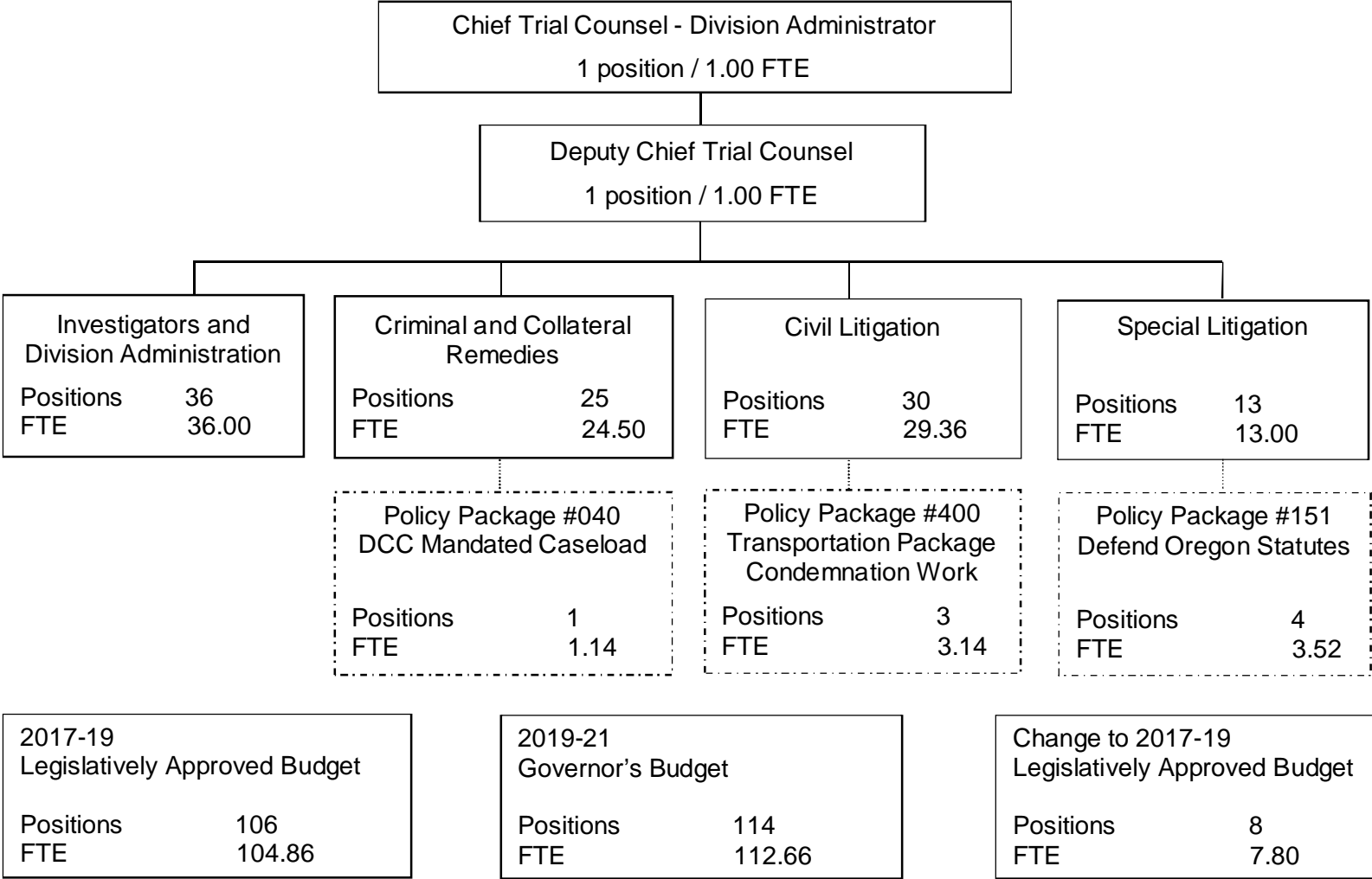


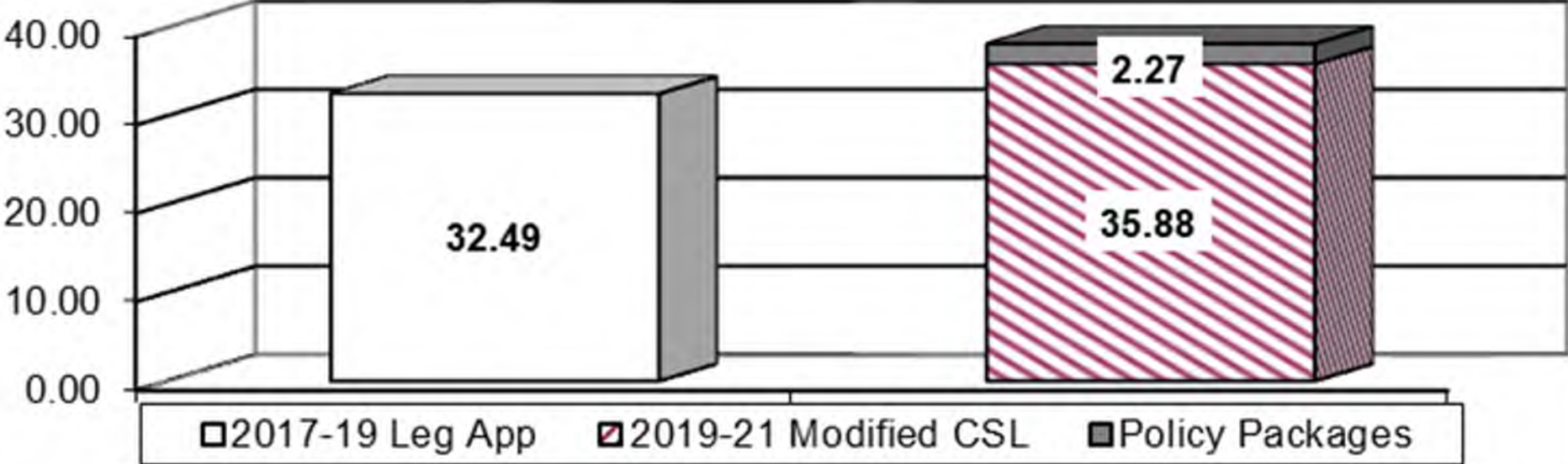
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Trial Division



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DEPARTMENT OF JUSTICE
Trial Division - Other Funds
Compare 2017-19 Legislatively Approved,
and 2019-21 Governor's Budget (\$ in millions)



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Executive Summary

Primary Focus Area: Excellence in State Government
 Secondary Focus Area: Safer, Healthier Communities
 Program Contact: Steve Lippold, Chief Trial Counsel, 503.947.4700



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Program Overview

The Trial Division defends the State of Oregon, its agencies, its officials, and its policies in state and federal court. The Division also appears in administrative forums to defend agency orders. In carrying out its mission, the Division acts as a steward for public funds by identifying and defeating claims with no merit and by working to achieve fair and reasonable settlements to compensate citizens who were in fact injured by the acts or decisions of an agency. Many of the lawsuits filed against the state and its agencies are filed by citizens who believe that an agency has failed to fulfill a legal obligation, engaged in improper acts, failed to carry out its mission, or caused harm or economic injury to a person or group. Trial Division lawyers are committed to resolve each case fairly, efficiently, and professionally, using all of the litigation and dispute resolution tools at their disposal. The Division takes principled, reasoned, and judicious positions in each matter. Most cases are successfully resolved through motions or settlement. A small percentage of cases go to trial or proceed to an administrative hearing, and the Division's success rate in these cases is consistently high (94% in 2013-15 and 96% in 2015-2017).

Program Description

The Trial Division has six primary responsibilities:

- Providing a defense to state agency representatives, agents, employees, and elected officials when they are sued.
- Defending criminal convictions secured by District Attorneys.
- Defending laws passed by the legislature or adopted by voters.
- Defending state programs and policy decisions made by state agencies.
- Filing condemnation actions for the Department of Transportation for road improvement projects and representing state agencies in contract disputes.
- Partnering with other Divisions within the Department of Justice and with client agencies to find ways to reduce exposure to, and costs of, claims and litigation.

Scope of Casework:

Trial Division's litigation covers a wide variety of subjects, including:

- Negligence and other tort claims for money damages;
- Contract defense and enforcement;

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- Lawsuits seeking declaratory or injunctive relief;
- Employment-related claims;
- Challenges to environmental laws and policies;
- Condemnation actions to advance state road projects;
- Constitutional challenges to laws and government programs;
- Civil rights claims, many by prison inmates;
- Challenges to criminal convictions in state and federal court;
- Defending state agency decisions that are reviewed by a court under the Oregon Administrative Procedures Act.

Present Staffing:

As of the 2017-2019 Legislatively Approved Budget, staffing for the Trial Division includes the Chief Trial Counsel, the Deputy Chief Trial Counsel, three Attorneys-in-Charge (AIC), 41 Assistant Attorneys General*, 18 paralegals, four investigators, and 38 legal/administrative support staff.

* This does not include two Honors Attorneys, who are included in the DOJ Administration portion of the budget.

Program Justification and Link to Long Term Outcomes

Primary: The Trial Division's efforts improve Excellence in State Government. Many of the lawsuits it defends are filed by citizens who believe that an agency has caused harm or economic injury to a person or group, has engaged in untrustworthy acts, or has failed to carry out its mission. The Trial Division is well positioned to assess the merits of such claims. It acts as a steward for public funds by defeating claims without merit and by negotiating reasonable settlements to compensate citizens who actually were injured by the acts or decisions of an agency. Using the lens of litigation, it helps agencies identify policies or practices that are not working and replace them with more efficient and effective ways of serving the public.

Additional: The Trial Division contributes to a second outcome area of Safer, Healthier Communities by defending cases filed by convicted criminals seeking to overturn their verdicts or sentences, to be released from state custody, or to obtain discovery that could lead to sensitive information falling into dangerous hands. It represents the state in proceedings to decertify police and other public safety officers who engage in misconduct calling into doubt their ability to serve and protect the public. The Division serves a third outcome area of a Thriving Statewide Economy through its work for the state Department of Transportation (ODOT) in bringing condemnation actions for road and infrastructure improvement projects, and for other agencies by defending state contracts when

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challenged and in contract-breach lawsuits, so that the state is able to secure the services needed to conduct state business. The Division also serves a fourth outcome area, Responsible Environmental Stewardship as it participates in environmental enforcement actions against those who would act to harm Oregon's environment and defend state agencies who are charged with both environmental protection and proper management of natural resources for all Oregonians when they are attacked through the court system by special interest groups.

Program Performance

The Trial Division's efforts can contribute to improving government in two ways: (1) by defending or resolving cases after they have been filed, and (2) by working with state agencies to improve their practices, with an eye toward decreasing the number of future claims filed against an agency. In the first area, the Division can measure its performance by the number of cases it handles and resolves, and by their outcome. From July 1, 2015 to June 30, 2017, the Division opened 1,962 cases and, during that same period, closed 2,031 cases. Roughly two-thirds of those cases were billed to state agencies (or a funding source other than "defense of criminal conviction" (DCC) funds which come from the General Fund). The State prevailed in 82%, settled 15% and received unfavorable results in 3% of cases closed during that time period.

In the second area, the Division's efforts would be focused on helping agencies improve their service to the public. The Division can use its litigation experiences to give specific advice to agencies about what it learns through litigation and what strategies it recommends for the agencies to limit or avoid future lawsuits. For example, we have seen a marked increase in jury verdicts against the Department of Human Services (DHS) for children injured while in state care. Trial is in a position to identify the particular decisions or actions by DHS staff that likely led juries to render high verdicts against the agency. Using this information, Trial could work with DHS to develop specific, targeted training for the agency to assist it in identifying process improvements that are designed to reduce or mitigate risk. These efforts could yield measurable improvements which may be captured and reflected in:

- An increase in client satisfaction, as measured by agency surveys and meetings with Division administrators following the resolution of major cases.
- Reductions in the volume of claims filed against an agency for specific conduct following training by Trial and DAS/Risk and implementation by the agency of identified process improvements.

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Enabling Legislation/Program Authorization

The work of the Trial Division is authorized under Chapter 180 of the Oregon Revised Statutes that establishes both the Attorney General position and the Department of Justice, then further describes its functions in representing the state, its agencies, officers, employees and agents in state and federal courts.

Funding Streams

The Trial Division bills state client agencies for the cost of its legal services. Most of the Division's work comes from the Department of Administrative Services' Risk Management program (DAS/Risk), the Department of Corrections and the Department of Transportation. The Corrections Department retains the Trial Division to defend it in state and federal court against prisoners who challenge their criminal convictions and sentences and who file civil rights cases over their conditions and treatment. DAS/Risk pays the legal costs incurred by the Trial Division in defending agencies, officials and employees against claims covered by the State Insurance Fund. The Division serves as ODOT's lawyers in filing all condemnation actions and represents it in contract, employment, and other disputes. In the case of Criminal and Collateral Remedies Litigation Section work, the General Fund is billed (see DCC program).

Significant Program Changes from 2017-19

The Division current service level includes the addition of a partial position to meet the anticipated growth in Defense of Criminal Convictions cases for 2019-21 that was projected during the development of the mandated caseload package (Package 040). Policy Option Package (POP) requests include POP #100 – Reconcile Intra-Agency Charges, POP #102 – Reconcile Attorney Position Classifications, and POP #104 – Essential Costs for Information Technology. Only Package 040 and a portion of POP #100 were approved in the 2019-21 Governor's Budget.

The Trial Division has proposed two additional POPs, #151 and #400, in order to have the funding necessary to provide legal services to its clients. POP #151 is a request to add four positions to the Special Litigation Unit: Two Assistant Attorneys General (1 AAG and 1 Sr. AAG), one paralegal and one legal secretary in order to meet the potential addition of significant litigation between Oregon and the Federal government. Since January of 2017, the State has filed or intervened in seven cases across the country and has filed an amicus brief on one more. Preliminary legal work has been done in anticipation of six other matters. These cases involve issues of immigration, funding for the Affordable Care Act, Oregon's status as a Sanctuary State, and rescission of the Deferred Action for Childhood Arrivals (DACA) program. Given the aggressive positions taken by the Federal Executive Branch over the past year, there

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could be other actions in the future that Oregon must initiate or join in order to protect Oregonians. Almost all of the current litigation is in either the pleadings or motion stages. However, when these cases move into active discovery and litigation, we anticipate SLU lawyers will be deluged with additional work requiring the addition of the four positions described above to handle briefing, electronic discovery and depositions.

POP #400 is a request to add two Assistant Attorneys General and one legal secretary to the Civil Litigation Unit to meet the anticipated sharp increase in condemnation work during the upcoming biennium. The Trial Division works with ODOT to procure privately owned property when necessary to maintain, improve and add to the state's highway infrastructure which is of benefit to Oregon motorists and business. The legislature did not pass a transportation bill during the 2015 and 2016 sessions bringing highway construction projects almost to a halt during the 2018 fiscal year. The legislature then passed a significant transportation bill in 2017 that is and will continue to fund a large number of projects into and throughout the 2019-21 biennium. As a result, we anticipate a dramatic increase in ODOT's need for assistance from the Trial Division to acquire property to improve Oregon's highway system necessitating the need for the additional positions described above.

Program Organization

Trial Division attorneys and staff are assigned to work primarily within one of three sections, each with an Attorney-in-Charge who manages the section. Those sections are: Civil Litigation, Special Litigation and Criminal and Collateral Remedies.

Civil Litigation Section (CLS)

The Civil Litigation Section is the largest section within the Division, and is responsible for defending the State's interests in a wide variety of civil cases that may be tried to a jury in state and federal courts. These cases range from complex and high-stakes disputes involving millions of dollars or legal arguments with far-reaching implications for the State, to the business of settling more routine disputes that arise in the course of the State's business. CLS cases fall into the ten categories described below.

- **Torts litigation:** Tort cases are civil lawsuits alleging that the state has breached a legal duty, and that the breach resulted in some harm to a person or group. Examples of tort litigation include citizens' civil rights suits; personal injury lawsuits ranging from wrongful death actions to more routine tort claims like auto accidents involving state employees and negligent maintenance of state highways; cases alleging serious sexual abuse of foster children in State custody; allegations of professional negligence by state contractors; and suits alleging misconduct by county prosecutors. Division lawyers recently obtained a defense verdict in a case where a severely injured pedestrian sued ODOT alleging her injuries were caused by ODOT's negligent maintenance and failure to remove a dangerous crosswalk after she was hit by a motorist walking within the crosswalk. The jury determined

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plaintiff was more than 50% at fault for the accident (barring any recovery) as evidence showed she hastily entered the crosswalk from a hidden position (due to a van in the curb lane) while looking at her mobile phone and wearing headphones.

- **Employment disputes:** As an employer, the State may be sued for wrongful termination, discrimination, sexual harassment, and violation of Oregon's "whistleblower" laws. Division lawyers have expertise in defending the State in these lawsuits, where financial exposure and emotions run high and where crucial facts are often seriously disputed. Most cases are resolved through motion practice or negotiated settlements. Recently, Division lawyers obtained a defense verdict in a lawsuit where the plaintiff alleged she was demoted after a recent promotion due to race/national origin discrimination. The jury found in favor of the State when evidence showed plaintiff made numerous mistakes while in her new position and that her performance did not improve despite repeated attempt to coach and retrain her.
- **Commercial litigation:** In its commercial practice, the Trial Division defends and prosecutes a wide range of contract cases, often involving complex factual situations and legal issues, in which millions of dollars may be at stake. In a growing number of cases, the State brings claims against contractors seeking damages for shoddy performance, failure to perform, or even outright fraud.
- **Prisoner civil rights suits:** Inmates in state custody can sue on the grounds that Department of Corrections personnel have denied or violated the inmates' civil rights. These cases include everything from minor inmate complaints about medical treatment to serious charges of sexual abuse or claims alleging denial of important constitutional rights. Many of these cases are resolved by dismissal or on summary judgment, on the Trial Division's motions. The remaining cases are resolved either through negotiated settlements or a jury trial.
- **Condemnation:** The condemnation team's work is split between defense cases and cases that the Division brings on behalf of an agency client. When the State (usually ODOT) acquires private property for public use, the parties cannot always agree on the value of the land. When the landowners and the State cannot agree, the State sues for a valuation, and the case is ultimately resolved by a jury. The Trial Division also defends against "inverse condemnation" claims, in which property owners sue the State on the theory that its regulatory activity has effectively taken away their private property interests. The Trial team's efforts clear the way for important infrastructure projects to move forward.
- **Defending Agency Orders:** Oregon's agencies issue orders on a number of topics that do not require a contested case hearing prior to issuance under Oregon law. An aggrieved person has the right to contest those orders in circuit court by filing a Petition for Judicial Review. The Civil Litigation Section defends a number of these cases. Following a trial, the Lane County Circuit

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Court recently upheld a decision by DHS based on the defense provided by the Trial Division. In that case, the court determined there was sufficient evidence in the record to conclude that the petitioner, a caregiver, had verbally abused a patient in her care.

- **DPSST:** Division lawyers in this Section also represent the Department of Public Safety Standards and Training in administrative proceedings to revoke the professional certifications of police and other public safety officers who have been found to have engaged in misconduct, dishonesty, or other conduct inconsistent with their obligations to the public. In addition to providing defense services in court, the section also has had an opportunity to advise DPSST with regard to its practices to avoid litigation in the future.
- **State Habeas Corpus:** State *habeas corpus* cases are collateral challenges filed by inmates in state court to overturn their convictions. In these cases, inmates challenge the terms and conditions of their confinement on grounds other than federal civil rights violations.

Special Litigation Unit (SLU)

The lawyers in SLU handle a variety of complex cases including defending state statutes and policies against constitutional challenges, challenges to ballot titles, challenges by Oregon to Federal action affecting Oregonians, class actions, lawsuits involving the state's water, timber and other natural resources and protection of protected species such as Coho salmon and the marbled murrelet. SLU's cases often involve public policy issues where values diverge sharply. The parties involved in such cases are often well-funded, and the stakes are very high.

Criminal and Collateral Remedies Litigation Section (CCR) – Including Defense of Criminal Convictions

The Criminal and Collateral Remedies Section (CCR) represents the state in a high-volume caseload involving extensive contact with district attorneys, criminal defense attorneys who represent criminal defendants at trial, and crime victims. CCR lawyers work closely with their counterparts in the Appellate Division to ensure consistency in positions advanced by the state in defending criminal convictions. This work is designated as a Mandated Caseload. The section has no control over the size of this caseload because these cases are filed by convicted felons who remain incarcerated and are done so, in large part, at their discretion. This caseload is funded by a single General Fund allocation that is shared by the Trial and Appellate Divisions. Funding for this caseload is addressed in a separate budget narrative (DCC) and is also referenced in the Appellate Division Narrative. CCR cases comprise:

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- **State Post-Conviction Relief (PCR):** PCR cases are what are called collateral challenges to criminal convictions. Petitions are filed in state court after the convicted criminal has exhausted any direct appeal and usually allege that he or she is entitled to a new trial or re-sentencing because the trial attorney was ineffective. Due to the length of time it takes for the exhaustion of a direct appeal to take place, PCR petitioners who are still in custody, and therefore almost always have been convicted of a Measure 11 crime such as aggravated murder, murder, rape, child abuse and others. Division lawyers review the trial transcripts, pleadings and briefs; research legal questions; take depositions and secure testimony by affidavit; and present the state's case in post-conviction trials. In a recent case, the convicted defendants, along with a co-defendant, killed an acquaintance in a remote forest location, after kidnapping him. They left the body, which wasn't discovered until months later when the body had decomposed. A bullet was found rattling around in the skull. Defendants alleged that the DA had not given all exculpatory materials, which turned out to be unfounded. After extensive discovery, motions (which went to the Oregon Supreme Court and came back to the Trial Division), the Aggravated Murder conviction was affirmed.
- **Federal Habeas Corpus:** After all state claims are exhausted, convicted criminal may challenge their conviction in federal court on the grounds that their conviction violated the United States Constitution or federal law. These cases can involve any federal issues raised in state court. In-court evidentiary hearings are rare; these cases are typically presented and argued in written form and the federal court judge issues a written opinion. In a recent case, the defendant was convicted in 1992 of murdering his first wife in 1984 and his second wife in 1989. Neither body was ever found. Both women had suddenly disappeared, but over time the facts pointed to the defendant as having killed them. The two cases had been tried together in state court, and Miller claimed that the joinder was unconstitutional. After years (1992-2017) of litigation in state and federal court, both convictions were finally upheld by the federal courts in 2017, including a denial of cert by SCOTUS. This case shows just how long litigation can last in PCR and FHC.
- **Psychiatric Security Review Board (PSRB) Cases:** The PSRB conducts hearings to determine whether an individual who was found "guilty except for insanity" of a Measure 11 crime, and who was committed to the jurisdiction of the PSRB, should be conditionally released or discharged into the community. The CCR Section currently manages over 600 open PSRB cases. The high number of open cases is due to the fact that once an inmate makes an initial request for a hearing before the Board, the case remains open until the inmate is either released from the Board's jurisdiction or upon the inmate's death.

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Trial

010 - Non-PICS Psnl Svc / Vacancy Factor

Purpose: This package includes the following adjustments: Standard Inflation factor of 3.8%, adjustment for the 2019-21 vacancy factor and mass transit taxes, and PERS bond assessment (PBA).

How Achieved: Accounts were adjusted using the DAS published instructions

2019-21/2021-23 Staffing Impact: None

Revenue Source: \$806,870 Other Funds Limited

022 – Phase – Out

Purpose: This package phases out one-time expendable property funding related to 2017-19 Mandated Caseload package 040.

How Achieved: Accounts were adjusted using the DAS published instructions.

2019-21/2021-23 Staffing Impact: None

Revenue Source: (\$4,400) Other Funds Limited

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Trial

031 – Standard Inflation and State Government Service Charge

Purpose: Standard inflation of 3.8% was applied to all services and supplies accounts except for Rent, Professional Services, Attorney General, and State Government Services Charges. The package adjusts the State Government Service Charges assessed by DAS, Secretary of State Audits Division, State Library, Supreme Court Library, Risk Management, and others based on the 2019-21 State of Oregon Price List of Goods and Services. Inflation of 3.8% was applied to Rent (uniform and non-uniform), 4.2% to Professional Services, and 20.14% to Attorney General line items.

How Achieved: Accounts were adjusted using the DAS published instructions.

2019-21/2021-23 Staffing Impact: None

Revenue Source: \$454,441 Other Funds Limited

032 – Above Standard Inflation

Purpose: This package adjusts selected Services and Supplies accounts to provide budget for expenses that are projected to increase faster than standard inflation, including DAS fleet lease costs, DAS lease fee increases on non-uniform properties, and DAS Financial Business Systems charges.

How Achieved: Accounts were adjusted using the DAS published instructions.

2019-21/2021-23 Staffing Impact: None

Revenue Source: \$226,360 Other Funds Limited

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Trial

040 – Mandated Caseload - see also Pkg 040 in Defense of Criminal Convictions and Appellate Division

Purpose: To provide necessary resources to meet the anticipated growth in DCC cases for 2019-21.

How Achieved: Add positions and associated expenditure limitation to meet the projected workload. Note - Components of the DCC program are located in the Appellate and Trial Divisions because the same case may move progressively through different parts of the judicial system – including state and federal trial courts as well as state and federal appellate courts – before finally being concluded. Because the DCC program straddles administrative divisions with the Department, the narratives and other materials set out here for each of those Divisions simply refer the reader back to the DCC portion of the Agency Request Budget.

2019-21 Staffing Impact: 1 positions / 1.14 FTE
Assistant Attorney General – 0 positions / 0.64 FTE
Paralegal – 1 position / 0.50 FTE

2021-23 Staffing Impact: 1 positions / 1.14 FTE
Assistant Attorney General – 0 positions / 0.64 FTE
Paralegal – 1 position / 0.50 FTE

Quantifying Results: Results will be measured in two ways: First, by tracking the success rate at various stages of litigation such as motions to dismiss, motions for summary judgment, alternative dispute resolution and trial, then comparing those rates to historical data to indicate whether the Division is meeting its objectives. Second, by tracking “pending cases” to determine whether, at current staffing levels, the Division is building up or reducing case backlog.

Revenue Source: \$401,202 Other Funds Limited

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
Temporary Appointments	-	-	16,277	-	-	-	16,277
Overtime Payments	-	-	1,447	-	-	-	1,447
Shift Differential	-	-	18	-	-	-	18
All Other Differential	-	-	173	-	-	-	173
Public Employees' Retire Cont	-	-	278	-	-	-	278
Pension Obligation Bond	-	-	79,130	-	-	-	79,130
Social Security Taxes	-	-	1,370	-	-	-	1,370
Unemployment Assessments	-	-	14	-	-	-	14
Mass Transit Tax	-	-	9,337	-	-	-	9,337
Vacancy Savings	-	-	698,826	-	-	-	698,826
Total Personal Services	-	-	\$806,870	-	-	-	\$806,870
Total Expenditures							
Total Expenditures	-	-	806,870	-	-	-	806,870
Total Expenditures	-	-	\$806,870	-	-	-	\$806,870
Ending Balance							
Ending Balance	-	-	(806,870)	-	-	-	(806,870)
Total Ending Balance	-	-	(\$806,870)	-	-	-	(\$806,870)

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 022 - Phase-out Pgm & One-time Costs

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Expendable Prop 250 - 5000	-	-	(4,400)	-	-	-	(4,400)
Total Services & Supplies	-	-	(\$4,400)	-	-	-	(\$4,400)
Total Expenditures							
Total Expenditures	-	-	(4,400)	-	-	-	(4,400)
Total Expenditures	-	-	(\$4,400)	-	-	-	(\$4,400)
Ending Balance							
Ending Balance	-	-	4,400	-	-	-	4,400
Total Ending Balance	-	-	\$4,400	-	-	-	\$4,400

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 031 - Standard Inflation

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Instate Travel	-	-	6,131	-	-	-	6,131
Out of State Travel	-	-	1,081	-	-	-	1,081
Employee Training	-	-	1,120	-	-	-	1,120
Office Expenses	-	-	15,091	-	-	-	15,091
Telecommunications	-	-	2,312	-	-	-	2,312
State Gov. Service Charges	-	-	216,852	-	-	-	216,852
Data Processing	-	-	775	-	-	-	775
Publicity and Publications	-	-	148	-	-	-	148
Professional Services	-	-	18,624	-	-	-	18,624
Employee Recruitment and Develop	-	-	32	-	-	-	32
Dues and Subscriptions	-	-	3,214	-	-	-	3,214
Facilities Rental and Taxes	-	-	70,270	-	-	-	70,270
Fuels and Utilities	-	-	2	-	-	-	2
Facilities Maintenance	-	-	256	-	-	-	256
Agency Program Related S and S	-	-	3,999	-	-	-	3,999
Intra-agency Charges	-	-	106,470	-	-	-	106,470
Other Services and Supplies	-	-	4,378	-	-	-	4,378
Expendable Prop 250 - 5000	-	-	662	-	-	-	662
IT Expendable Property	-	-	3,024	-	-	-	3,024
Total Services & Supplies	-	-	\$454,441	-	-	-	\$454,441

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 031 - Standard Inflation

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures	-	-	454,441	-	-	-	454,441
Total Expenditures	-	-	\$454,441	-	-	-	\$454,441
Ending Balance							
Ending Balance	-	-	(454,441)	-	-	-	(454,441)
Total Ending Balance	-	-	(\$454,441)	-	-	-	(\$454,441)

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 032 - Above Standard Inflation

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Instate Travel	-	-	5,203	-	-	-	5,203
Facilities Rental and Taxes	-	-	216,656	-	-	-	216,656
Other Services and Supplies	-	-	4,501	-	-	-	4,501
Total Services & Supplies	-	-	\$226,360	-	-	-	\$226,360
Total Expenditures							
Total Expenditures	-	-	226,360	-	-	-	226,360
Total Expenditures	-	-	\$226,360	-	-	-	\$226,360
Ending Balance							
Ending Balance	-	-	(226,360)	-	-	-	(226,360)
Total Ending Balance	-	-	(\$226,360)	-	-	-	(\$226,360)

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 040 - Mandated Caseload

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
Class/Unclass Sal. and Per Diem	-	-	205,869	-	-	-	205,869
Empl. Rel. Bd. Assessments	-	-	100	-	-	-	100
Public Employees' Retire Cont	-	-	34,936	-	-	-	34,936
Social Security Taxes	-	-	15,749	-	-	-	15,749
Worker's Comp. Assess. (WCD)	-	-	95	-	-	-	95
Mass Transit Tax	-	-	1,235	-	-	-	1,235
Flexible Benefits	-	-	57,702	-	-	-	57,702
Total Personal Services	-	-	\$315,686	-	-	-	\$315,686
Services & Supplies							
Instate Travel	-	-	2,121	-	-	-	2,121
Employee Training	-	-	674	-	-	-	674
Office Expenses	-	-	3,997	-	-	-	3,997
Telecommunications	-	-	1,771	-	-	-	1,771
Data Processing	-	-	5,053	-	-	-	5,053
Publicity and Publications	-	-	18	-	-	-	18
Employee Recruitment and Develop	-	-	104	-	-	-	104
Dues and Subscriptions	-	-	1,406	-	-	-	1,406
Facilities Rental and Taxes	-	-	12,244	-	-	-	12,244
Fuels and Utilities	-	-	31	-	-	-	31
Facilities Maintenance	-	-	110	-	-	-	110
Agency Program Related S and S	-	-	640	-	-	-	640
Intra-agency Charges	-	-	41,361	-	-	-	41,361
Other Services and Supplies	-	-	2,186	-	-	-	2,186
Expendable Prop 250 - 5000	-	-	8,800	-	-	-	8,800

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ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 040 - Mandated Caseload

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
IT Expendable Property	-	-	5,000	-	-	-	5,000
Total Services & Supplies	-	-	\$85,516	-	-	-	\$85,516
Capital Outlay							
Office Furniture and Fixtures	-	-	-	-	-	-	-
Total Capital Outlay	-	-	-	-	-	-	-
Total Expenditures							
Total Expenditures	-	-	401,202	-	-	-	401,202
Total Expenditures	-	-	\$401,202	-	-	-	\$401,202
Ending Balance							
Ending Balance	-	-	(401,202)	-	-	-	(401,202)
Total Ending Balance	-	-	(\$401,202)	-	-	-	(\$401,202)
Total Positions							
Total Positions							1
Total Positions	-	-	-	-	-	-	1
Total FTE							
Total FTE							1.14
Total FTE	-	-	-	-	-	-	1.14

Governor's Budget

01/31/19 REPORT NO.: PPDPFISCAL DEPT. OF ADMIN. SVCS. -- PPDB PICS SYSTEM PAGE 1
 REPORT: PACKAGE FISCAL IMPACT REPORT 2019-21 PROD FILE
 AGENCY:13700 DEPT OF JUSTICE PICS SYSTEM: BUDGET PREPARATION
 SUMMARY XREF:060-00-00 Trial PACKAGE: 040 - Mandated Caseload

POSITION NUMBER	CLASS COMP	CLASS NAME	POS CNT	PTE	MOS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	FF SAL/OPE	LF SAL/OPE	AF SAL/OPE
1524097	OAS C1524 AP	PARALEGAL	1	.50	12.00	02	3,918.00		47,016 46,879			47,016 46,879
9994017	AJ U7505 AP	SR ASSISTANT ATTORNEY GENERAL		.64	15.36	03	10,342.00		158,853 61,703			158,853 61,703
TOTAL PICS SALARY									205,869			205,869
TOTAL PICS OPE									108,582			108,582
TOTAL PICS PERSONAL SERVICES =			1	1.14	27.36				314,451			314,451

Governor's Budget

Trial

091 – Statewide Adjustment DAS Chgs

Purpose: This package represents changes to State Government Service Charges and DAS pricelist charges made for Governor's Budget.

How Achieved: Changes were made in accordance with DAS and CFO Analyst provided guidelines.

2019-21/2021-23 Staffing Impact: None

Revenue Source: (\$230,464) Other Funds Limited

Governor's Budget

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of

Pkg: 091 - Statewide Adjustment DAS Chgs

Cross Reference Name: Trial

Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Instate Travel	-	-	(2,478)	-	-	-	(2,478)
Office Expenses	-	-	(9,164)	-	-	-	(9,164)
State Gov. Service Charges	-	-	(51,835)	-	-	-	(51,835)
Data Processing	-	-	(330)	-	-	-	(330)
Facilities Rental and Taxes	-	-	(164,440)	-	-	-	(164,440)
Other Services and Supplies	-	-	(2,217)	-	-	-	(2,217)
Total Services & Supplies	-	-	(\$230,464)	-	-	-	(\$230,464)
Total Expenditures							
Total Expenditures	-	-	(230,464)	-	-	-	(230,464)
Total Expenditures	-	-	(\$230,464)	-	-	-	(\$230,464)
Ending Balance							
Ending Balance	-	-	230,464	-	-	-	230,464
Total Ending Balance	-	-	\$230,464	-	-	-	\$230,464

Governor's Budget

Trial

100 – Reconcile Intra-Agency Charges

Purpose: Align the Department's budgeted Intra-Agency Charges, which come from other divisions to fund almost all of the Administration Division's expenses, with the Administration Division's budget.

How Achieved: This Policy Option Package seeks to greatly reduce and perhaps eliminate the need for mid-biennium adjustments to the Intra-Agency Charge budgets of paying divisions by adjusting those divisions' budgets for the two sources of mismatch: (1) Current Service Level budget amounts that do not match due to historical and current rates of inflation for Administration Division expenditures (about 70% Personal Services) being higher than the historical and current rates of inflation for Services and Supplies; and (2) the existence of policy packages for the 2019-21 biennium in the Administration Division that must be paid for through the Intra-Agency Charges of paying divisions.

Please see the longer explanation of this multi-division package in the General Counsel Division section of the budget document.

2019-21/2021-23 Staffing Impact: None

Quantifying Results: The primary measurable results of this POP are the elimination of the need to seek mid-biennium legislative adjustment to Intra-Agency Charge budgets, or the reduction of the dollar value of those adjustments, and the ability of DOJ divisions to expend their Legislatively Approved Budgets in a manner that is more consistent with the reported account-level detail in the published budgets.

Revenue Source: \$591,009 Other Funds Limited

Governor's Budget

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of

Cross Reference Name: Trial

Pkg: 100 - Reconcile Intra-Agency Charges

Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Intra-agency Charges	-	-	591,009	-	-	-	591,009
Total Services & Supplies	-	-	\$591,009	-	-	-	\$591,009
Total Expenditures							
Total Expenditures	-	-	591,009	-	-	-	591,009
Total Expenditures	-	-	\$591,009	-	-	-	\$591,009
Ending Balance							
Ending Balance	-	-	(591,009)	-	-	-	(591,009)
Total Ending Balance	-	-	(\$591,009)	-	-	-	(\$591,009)

Governor's Budget

Trial

151 – Defend Oregon Statutes (see Attorney General's Office for accompanying POP #151)

Purpose: Add funding and position authority to pursue legal actions in defense of Oregon state statutes and the Oregon Constitution.

How Achieved: Adds four positions to the Special Litigation Unit.

2019-21 Staffing Impact: 4 positions / 3.52 FTE
Senior Assistant Attorney General – 1 position / 0.88 FTE
Assistant Attorney General – 1 positions / 0.88 FTE
Paralegal – 1 position / 0.88 FTE
Legal Secretary – 1 position / 0.88 FTE

2021-23 Staffing Impact: 4 positions / 4.00 FTE
Senior Assistant Attorney General – 1 position / 1.00 FTE
Assistant Attorney General – 1 positions / 1.00 FTE
Paralegal – 1 position / 1.00 FTE
Legal Secretary – 1 position / 1.00 FTE

Quantifying Results: Since January of 2017, the State has filed or intervened in seven cases across the country and has filed an amicus brief on one more. Preliminary legal work has been done in anticipation of six other matters. These cases involve issues of immigration, funding for the Affordable Care Act, Oregon's status as a Sanctuary State, and rescission of the Deferred Action for Childhood Arrivals (DACA) program. Given the aggressive positions taken by the Federal Executive Branch over the past year, there could be other actions in the future that Oregon must initiate or join in order to protect Oregonians. Almost all of the current litigation is in either the pleadings or motion stages. However, when these cases move into active discovery and litigation, we anticipate SLU lawyers will be deluged with additional work requiring the addition of the four positions to handle briefing, electronic discovery and depositions.

Revenue Source: \$1,008,276 Other Funds Limited

Governor's Budget

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 151 - Defend Oregon Statutes

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
Charges for Services	-	-	1,467,481	-	-	-	1,467,481
Total Revenues	-	-	\$1,467,481	-	-	-	\$1,467,481
Personal Services							
Class/Unclass Sal. and Per Diem	-	-	527,646	-	-	-	527,646
Empl. Rel. Bd. Assessments	-	-	212	-	-	-	212
Public Employees' Retire Cont.	-	-	89,541	-	-	-	89,541
Social Security Taxes	-	-	40,364	-	-	-	40,364
Worker's Comp. Assess. (WCD)	-	-	204	-	-	-	204
Mass Transit Tax	-	-	3,166	-	-	-	3,166
Flexible Benefits	-	-	123,144	-	-	-	123,144
Total Personal Services	-	-	\$784,277	-	-	-	\$784,277
Services & Supplies							
Instate Travel	-	-	6,548	-	-	-	6,548
Employee Training	-	-	2,081	-	-	-	2,081
Office Expenses	-	-	12,341	-	-	-	12,341
Telecommunications	-	-	5,239	-	-	-	5,239
Data Processing	-	-	15,601	-	-	-	15,601
Publicity and Publications	-	-	55	-	-	-	55
Employee Recruitment and Develop	-	-	322	-	-	-	322
Dues and Subscriptions	-	-	4,342	-	-	-	4,342
Facilities Rental and Taxes	-	-	37,805	-	-	-	37,805
Fuels and Utilities	-	-	95	-	-	-	95

Governor's Budget

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 151 - Defend Oregon Statutes

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Facilities Maintenance	-	-	341	-	-	-	341
Agency Program Related S and S	-	-	1,975	-	-	-	1,975
Intra-agency Charges	-	-	102,904	-	-	-	102,904
Other Services and Supplies	-	-	6,750	-	-	-	6,750
Expendable Prop 250 - 5000	-	-	17,600	-	-	-	17,600
IT Expendable Property	-	-	10,000	-	-	-	10,000
Total Services & Supplies	-	-	\$223,999	-	-	-	\$223,999
Total Expenditures							
Total Expenditures	-	-	1,008,276	-	-	-	1,008,276
Total Expenditures	-	-	\$1,008,276	-	-	-	\$1,008,276
Ending Balance							
Ending Balance	-	-	459,205	-	-	-	459,205
Total Ending Balance	-	-	\$459,205	-	-	-	\$459,205
Total Positions							
Total Positions							4
Total Positions	-	-	-	-	-	-	4
Total FTE							
Total FTE							3.52
Total FTE	-	-	-	-	-	-	3.52

Governor's Budget

01/31/19 REPORT NO.: PPDFFISCAL DEPT. OF ADMIN. SVCS. -- PPDB PICS SYSTEM PAGE 1
 REPORT: PACKAGE FISCAL IMPACT REPORT 2019-21 PROD FILE
 AGENCY:13700 DEPT OF JUSTICE PICS SYSTEM: BUDGET PREPARATION
 SUMMARY XREF:060-00-00 Trial PACKAGE: 151 - Defend Oregon Statutes

POSITION NUMBER	CLASS COMP	CLASS NAME	POS CNT	FTE	MOS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	FF SAL/OPE	LF SAL/OPE	AF SAL/OPE
0110055	OAS C0110 AP	LEGAL SECRETARY	1	.88	21.00	02	2,994.00		62,874 46,370			62,874 46,370
1524098	OAS C1524 AP	PARALEGAL	1	.88	21.00	02	3,918.00		82,278 51,146			82,278 51,146
7504758	AJ U7504 AP	ASSISTANT ATTORNEY GENERAL	1	.88	21.00	04	7,872.00		165,312 71,589			165,312 71,589
7505224	AJ U7505 AP	SR ASSISTANT ATTORNEY GENERAL	1	.88	21.00	03	10,342.00		217,182 84,360			217,182 84,360
TOTAL PICS SALARY									527,646			527,646
TOTAL PICS OPE									253,465			253,465
TOTAL PICS PERSONAL SERVICES =			4	3.52	84.00				781,111			781,111

Governor's Budget

Trial

400 – Transportation Package Condemnation Work

Purpose: Add funding to meet the anticipated sharp increase in condemnation work during the upcoming biennium.

How Achieved: Adding three positions to the Civil Litigation Unit and brings a fourth permanent partial position up to full time.

2019-21 Staffing Impact: 3 positions / 3.14 FTE
Assistant Attorney General – 2 positions / 2.26 FTE
Legal Secretary – 1 position / 0.88 FTE

2021-23 Staffing Impact: 3 positions / 3.50 FTE
Assistant Attorney General – 2 positions / 2.50 FTE
Legal Secretary – 1 position / 1.00 FTE

Quantifying Results: The Trial Division works with ODOT to procure privately owned property when necessary to maintain, improve and add to the state's highway infrastructure which is of benefit to Oregon motorists and business. The legislature did not pass a transportation bill during the 2015 and 2016 sessions bringing highway construction projects almost to a halt during the 2018 fiscal year. The legislature then passed a significant transportation bill in 2017 that is and will continue to fund a large number of projects into and throughout the 2019-21 biennium. ODOT has projected an increase in condemnation cases from about 50 per year in the recent past to about 150 per year starting in 2019. As a result, we anticipate a dramatic increase in ODOT's need for assistance from the Trial Division to acquire property to improve Oregon's highway system, necessitating the need for the additional positions. These positions would be supported by direct billings to ODOT and ODOT is coordinating with the Trial Division to anticipate the legal costs of those cases in their budget.

Revenue Source: \$900,872 Other Funds Limited

Governor's Budget

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 400 - Transportation Package Condemnation Work

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
Charges for Services	-	-	1,612,736	-	-	-	1,612,736
Total Revenues	-	-	\$1,612,736	-	-	-	\$1,612,736
Personal Services							
Class/Unclass Sal. and Per Diem	-	-	487,962	-	-	-	487,962
Empl. Rel. Bd. Assessments	-	-	159	-	-	-	159
Public Employees' Retire Cont	-	-	82,806	-	-	-	82,806
Social Security Taxes	-	-	37,329	-	-	-	37,329
Worker's Comp. Assess. (WCD)	-	-	153	-	-	-	153
Mass Transit Tax	-	-	2,928	-	-	-	2,928
Flexible Benefits	-	-	92,358	-	-	-	92,358
Total Personal Services	-	-	\$703,695	-	-	-	\$703,695
Services & Supplies							
Instate Travel	-	-	5,832	-	-	-	5,832
Employee Training	-	-	1,854	-	-	-	1,854
Office Expenses	-	-	10,992	-	-	-	10,992
Telecommunications	-	-	5,407	-	-	-	5,407
Data Processing	-	-	13,895	-	-	-	13,895
Publicity and Publications	-	-	49	-	-	-	49
Employee Recruitment and Develop	-	-	287	-	-	-	287
Dues and Subscriptions	-	-	3,867	-	-	-	3,867
Facilities Rental and Taxes	-	-	33,670	-	-	-	33,670
Fuels and Utilities	-	-	85	-	-	-	85

Governor's Budget

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Justice, Dept of
Pkg: 400 - Transportation Package Condemnation Work

Cross Reference Name: Trial
Cross Reference Number: 13700-060-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Facilities Maintenance	-	-	304	-	-	-	304
Agency Program Related S and S	-	-	1,759	-	-	-	1,759
Intra-agency Charges	-	-	92,465	-	-	-	92,465
Other Services and Supplies	-	-	6,011	-	-	-	6,011
Expendable Prop 250 - 5000	-	-	13,200	-	-	-	13,200
IT Expendable Property	-	-	7,500	-	-	-	7,500
Total Services & Supplies	-	-	\$197,177	-	-	-	\$197,177
Total Expenditures							
Total Expenditures	-	-	900,872	-	-	-	900,872
Total Expenditures	-	-	\$900,872	-	-	-	\$900,872
Ending Balance							
Ending Balance	-	-	711,864	-	-	-	711,864
Total Ending Balance	-	-	\$711,864	-	-	-	\$711,864
Total Positions							
Total Positions							3
Total Positions	-	-	-	-	-	-	3
Total FTE							
Total FTE							3.14
Total FTE	-	-	-	-	-	-	3.14

Governor's Budget

01/31/19 REPORT NO.: PPDFFISCAL
 REPORT: PACKAGE FISCAL IMPACT REPORT
 AGENCY:13700 DEPT OF JUSTICE
 SUMMARY XREF:060-00-00 Trial

DEPT. OF ADMIN. SVCS. -- PPDB PICS SYSTEM

2019-21

PAGE :
PROD FILE

PICS SYSTEM: BUDGET PREPARATION

PACKAGE: 400 - Transportation Package Condemn

POSITION NUMBER CLASS COMP CLASS NAME	POS CNT	FTE	MOS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	FF SAL/OPE	LF SAL/OPE	AF SAL/OPE
0110054 OAS C0110 AP LEGAL SECRETARY	1	.88	21.00	02	2,994.00		62,874 46,370			62,874 46,370
7504057 AJ U7504 AP ASSISTANT ATTORNEY GENERAL	1-	.50-	12.00-	04	7,872.00		94,464- 58,560-			94,464- 58,560-
7504057 AJ U7504 AP ASSISTANT ATTORNEY GENERAL	1	1.00	24.00	04	7,872.00		188,928 81,817			188,928 81,817
7504756 AJ U7504 AP ASSISTANT ATTORNEY GENERAL	1	.88	21.00	04	7,872.00		165,312 71,589			165,312 71,589
7504757 AJ U7504 AP ASSISTANT ATTORNEY GENERAL	1	.88	21.00	04	7,872.00		165,312 71,589			165,312 71,589
TOTAL PICS SALARY							487,962			487,962
TOTAL PICS OPE							212,805			212,805
TOTAL PICS PERSONAL SERVICES =	3	3.14	75.00				700,767			700,767

Governor's Budget

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Source	Fund	ORBITS	2015-17 Actual	2017-19		2019-21		
		Revenue Acct		Legislatively Approved	2017-19 Estimated	Agency Request	Governor's Budget	Legislatively Adopted
Legal Billings to Client Agencies - Other Funds Ltd	3400	0410	\$ 30,877,193	\$ 32,989,813	\$ 32,989,813	\$ 40,776,782	\$ 40,317,577	
Misc. Legal - Other Funds Ltd	3400	0705,0975	\$ 6,026	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	
Total Other Funds Ltd	3400		\$ 30,883,219	\$ 32,991,813	\$ 32,991,813	\$ 40,778,782	\$ 40,319,577	\$ -
Total Other Funds Non-Ltd	3200		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Federal Funds Ltd	6400		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Federal Funds Non-Ltd	6200		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Governor's Budget

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Justice, Dept of
2019-21 Biennium

Agency Number: 13700

Cross Reference Number: 13700-060-00-00-00000

Source	2015-17 Actuals	2017-19 Leg Adopted Budget	2017-19 Leg Approved Budget	2019-21 Agency Request Budget	2019-21 Governor's Budget	2019-21 Leg. Adopted Audit
Other Funds						
Charges for Services	30,877,193	32,424,533	32,989,813	40,776,782	40,317,577	-
Fines and Forfeitures	5,000	-	-	-	-	-
Other Revenues	1,026	2,000	2,000	2,000	2,000	-
Total Other Funds	\$30,883,219	\$32,426,533	\$32,991,813	\$40,778,782	\$40,319,577	-