

LEGISLATIVE BRANCH

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Legislative Branch (LEG) – Totals

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Governor's Recommended *	2005-07 Legislatively Adopted
General Fund	52,570,894	58,744,569	55,666,243	61,786,370
Other Funds	5,263,138	1,652,713	3,272,297	5,795,326
Other Funds (NL)	1,976,114	3,310,305	1,571,489	1,572,116
Total Funds	59,810,146	63,707,587	60,510,029	69,153,812
Positions	724	682	683	685
FTE	415.75	394.47	394.86	393.36

* Historically, the Governor's recommended budget has accommodated the entire agency request for agencies exempt from the Governor's budget review (Legislative and Judicial Branches, State Treasurer, and Secretary of State). The 2005-07 Governor's recommended budget, while making no specific recommendations, funded the Legislative Branch at \$55.7 million General Fund, approximately 5.2% below the 2003-05 legislatively approved budget. The net effect was a \$5.5 million reduction to the Legislative Branch General Fund budget request, which was based on a calculated average of overall reductions made to agencies in the Executive Branch. All of this reduction was taken from the Legislative Administration Committee budget. This reduction effectively eliminated \$150,000 General Fund in Legislative Branch policy packages (two in Legislative Counsel); and then reduced the amount necessary for the Legislative Branch to continue all current activities in 2005-07 by \$5.4 million General Fund, or approximately 9%. The actions necessary to operate within such a reduction were the subject of considerable discussion during the legislative budget review process.

Overview

The Legislative Branch includes members of the Legislative Assembly and their employees, the costs of four statutory committees or offices, and the Commission on Indian Services. The statutory committees, which provide either administrative and operations support or specialized analysis, include: 1) the Legislative Administration Committee; 2) the Legislative Counsel Committee; 3) the Legislative Fiscal Office; and 4) the Legislative Revenue Office.

LEG – Legislative Assembly

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Legislative Branch's Recommended	2005-07 Legislatively Adopted
General Fund	22,654,440	27,278,488	26,703,822	26,907,691
Other Funds	192,958	193,182	196,988	196,988
Other Funds (NL)	57,328	86,789	86,789	86,789
Total Funds	\$22,904,726	\$27,558,459	\$26,987,599	27,191,468
Positions	455	443	443	444
FTE	223.62	216.31	216.20	216.95

Program Description

The Legislative Assembly budget includes salaries and per diem for legislative members and their staffs, the leadership and caucus offices, the Chief Clerk of the House, the Secretary of the Senate, session staff, and Senate Executive Appointments.

Revenue Sources and Relationships

The General Fund supports 99% of the Legislative Assembly's activities. Other Funds revenue subject to expenditure limitation comes from reimbursements for duplicating services. The Nonlimited Other Funds are from the Lounge Revolving Account, established in ORS 171.117, which receives payments from legislative members for food services. The Account is used to pay for the costs of food served in members' lounges.

Budget Environment

Except for Executive Appointments, the Legislative Assembly budget is divided to reflect session and interim activities as well as House and Senate costs. A significant cost driver for the Assembly's budget is the length of the legislative session. Although the legislative session covers approximately 25% of the budget period, it accounts for 40% of costs, primarily due to member per diem payments and session-only staff salaries. Interim costs are driven by the number of interim committees and the number of times the committees meet.

The primary responsibility of the Legislative Assembly is to produce a balanced budget that complies with state and federal laws and represents the policy choices and priorities established by the Legislature on behalf of the citizens they represent.

The agency's 2001-03 General Fund budget was reduced by \$3.6 million based on special session actions during the interim and only partial funding of salary and benefit cost increases. These reductions were one-time in nature and required delays in computer purchases, temporary roll-back of member salaries, reductions to member travel reimbursements, and reductions to the operating budgets for leadership offices.

Legislatively Adopted Budget

The legislatively adopted General Fund budget funds the Legislative Assembly at 1.3% (\$366,991) below the 2003-05 legislatively approved budget. The primary reason the adopted budget is less is because the 2003-05 legislatively approved budget included \$2.1 million in one-time funds that were carried over from the Assembly's 2003 regular session budget. All but approximately \$270,000 of these funds were spent to cover the costs of the 2003 regular session, which did not end until August 27, 2003. The Legislature reduced the request budget based on a reduction in the PERS employer contribution rate, a reduction in the Attorney General hourly charge rate, and a reduction in the Department of Administrative Services (DAS) and Secretary of State (SOS) assessments. One policy package was approved that added \$133,066 General Fund to cover the costs of a limited duration committee assistant, travel, and per diem expenses linked to passage of SB 1084, which created the Public Commission on the Legislature. Additionally, a one-time \$200,000 General Fund appropriation was provided so the Assembly could contract with an experienced Information Technology consultant to perform various quality assurance activities in support of interim committees.

LEG – Legislative Administration Committee

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Legislative Branch's Recommended *	2005-07 Legislatively Adopted
General Fund	18,691,131	19,390,674	21,141,810	21,554,179
Other Funds	4,509,617	1,949,674	1,827,799	4,357,110
Other Funds (NL)	460,691	597,528	597,683	597,615
Total Funds	\$23,661,439	\$21,937,876	\$23,567,292	26,508,904
Positions	172	152	152	151
FTE	117.63	107.39	107.39	103.39

* The Governor's budget included \$15.6 million General Fund for the Legislative Administration Committee—a reduction of \$5.5 million from the \$21.1 million General Fund agency request. The reduction consisted of a 9% reduction to the amount needed for the entire Legislative Branch to continue all current activities (\$5.4 million) plus the value of the policy option packages in the Legislative Counsel budget (\$150,000).

Program Description

The Legislative Administration Committee (LAC) appoints an administrator to direct and manage the service and support systems for the Legislative Assembly and Legislative Branch agencies. Services include: 1) substantive committee staffing; 2) information systems and technology support; 3) building operations and maintenance for the State Capitol; 4) accounting, payroll, and personnel functions; and 5) public information.

Revenue Sources and Relationships

The General Fund supports 90% of LAC's requested expenditures. Other Funds revenue is derived from Capitol Building office space and hearing room rent, parking fees, donations for Holidays at the Capitol, equipment rentals, sales of publications and audio tapes, and copy/vending machine usage. For 2005-07, \$2.3 million is estimated to be available from these sources. LAC adopts the same rental rate for occupants of the Capitol as the rate imposed by the Department of Administrative Services for occupants of other state buildings. For the 2005-07 budget, the rate increases from \$1.33 per square foot for office space to \$1.40 per square foot—a 5.3% increase. Parking fees and revenue from rentals, pay phones, and vending machines go into the State Capitol Operating Account which is used to partially cover expenses incurred in operating, maintaining, protecting, and insuring the Capitol. A nonlimited Stores Revolving Account accommodates revenue from retail sales in the Capitol Gift Shop and a nonlimited Property and Supply Stores Account accommodates revenue from the sale of supplies to legislative agencies. For 2005-07, \$0.6 million is estimated to be available from these sales.

Budget Environment

Significant factors affecting LAC costs are the demand for increased security; improved information systems; maintenance and repair of the Capitol; and meeting the needs of legislative committees. The length of legislative sessions and the number of bill introductions, amendments, and committee hearings also affect the agency's workload and costs.

The Legislative Branch has been engaged in a major technology transition program to replace existing mainframe application systems with new graphical systems based on current technology. As a result of this focus, the Information Systems unit has become the largest component of the LAC budget. The technology transition is nearly complete. During 2001-03, the majority of core legislative business systems (publications, measure tracking, executive appointments, docketing systems, and Legislative Counsel's indexing, amendment, and repeals/measure conflicts tracking systems) were migrated. Project plans for the 2003-05 biennium included development of a new bill drafting system; purchase of infrastructure improvements for a recording and archiving system; improved access to legislative publications on the web; and maintenance of projects released in the prior two biennia. However, progress on the bill drafting system and the recording and archiving system was not made due to funding and staff resource constraints. The bill drafting project has an estimated cost of \$2 million and the recording and archiving improvements have an estimated cost of \$0.5 million. LAC presented information on the bill drafting project during the 2005 session. Since the supplier of the key components of the current bill drafting system is no longer supporting it, highly specialized outside consultants (who are also becoming scarce) have had to be utilized. The system is totally relied upon to prepare legislative measures, perform law searches, change bills into statutes, and publish adopted laws.

Another major cost driver for LAC is maintenance and repair of the Capitol. Several large projects were completed prior to the 2003-05 biennia. They include re-roofing, replacing aging wiring and transformers, upgrading elevators to meet building code requirements, remodeling of hearing rooms A through F and the galleria, and planning for the upgrade of the wings. LAC expressed a desire to upgrade the infrastructure (plumbing, electrical, fiberglass fiber in ceilings, and carpet) of the two wings of the Capitol during 2003-05, but it was not authorized by the 2003 Legislative Assembly due to budget constraints. While it is likely that Other Funds in the Capitol Operating Account will be available to assist with certain electrical system upgrades, completion of remaining infrastructure upgrades is expected to require Other Funds revenue derived from the sale of Certificates of Participation.

The agency's 2001-03 General Fund budget was reduced by \$3.7 million based on special session actions during the interim and only partial funding of salary and benefit cost increases. The reductions were one-time in nature and required delays in filling vacant positions, reductions in debt service payments, deferral of computer system maintenance projects, training reductions, and delayed supply/equipment purchases.

Legislatively Adopted Budget

The legislatively adopted budget funds Legislative Administration at 11% (\$2.2 million) above the 2003-05 legislatively approved budget. The adopted budget provides for continuation of agency operations; provides funding to replace an electrical gear box (\$516,482 General Fund and \$516,482 Other Funds from the Capitol Operating Account); provides \$425,060 General Fund for hardware and software upgrades necessary to support a new bill drafting system; and provides \$468,977 General Fund for debt service payments so that Certificates of Participation can be sold to finance development of a new bill drafting system. The adopted budget was reduced approximately \$913,000 General Fund based on the elimination of a vacant Accountant position (\$101,050); reduction of three vacant Committee Administrator positions to session-only positions (\$391,910); reduction of a Library Generalist position to session only (\$100,462); reductions to services and supplies (\$309,849); reductions to task force budgets (\$6,733); PERS rate reductions (\$85,492); attorney General hourly charge rate reductions (\$180); and DAS/SOS assessments (\$18,069).

LEG – Legislative Counsel Committee

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Legislative Branch's Recommended	2005-07 Legislatively Adopted
General Fund	5,853,492	6,286,407	7,019,490	6,836,661
Other Funds	560,100	1,161,663	1,241,097	1,235,303
Other Funds (NL)	1,458,095	968,396	887,017	887,712
Total Funds	\$7,871,687	\$8,416,466	\$9,147,604	8,959,676
Positions	72	62	63	63
FTE	50.50	45.77	46.27	46.27

Program Description

Legislative Counsel (LC) staff drafts legislation for legislators, legislative committees, and state agencies. LC also provides research services and legal advice to legislators and legislative committees. The Office of the

Legislative Counsel prepares indexes and tables for all measures introduced during a legislative session and, every two years following each session creates, annotates, indexes, publishes, and sells the only official codification of the *Oregon Revised Statutes (ORS)* and session laws (*Oregon Laws*). LC also conducts a review of all new administrative rules adopted by state agencies to determine if they are consistent with the agencies' statutory authority.

Legislative Counsel is charged by statute (ORS 173.335) with providing necessary drafting services "as legislative priorities permit" to the Oregon Law Commission. The Commission was established in 1997 to identify defects or anachronisms in the law and recommend needed reforms to the Legislative Assembly. Increasingly, legislative priorities have not left time and resources for the Legislative Counsel to devote to the Commission. At its April 2000 meeting, the Emergency Board allocated \$100,000 from the Emergency Fund to purchase outside services to supplement those provided by the Legislative Counsel. This amount was used for added services during the last half of the 1999-2001 biennium. The Commission selected a proposal by Willamette University whereby its College of Law houses and shares the cost of an executive director and related support services for the Commission. In the 2005-07 agency request budget, \$210,084 General Fund is included to continue existing services. The Commission requested an additional \$130,000 so Willamette University could cover the costs of an additional staff attorney.

Revenue Sources and Relationships

The General Fund supports 76% of LC's expenditures. Other Funds are derived from sales of the *Oregon Revised Statutes, Oregon Laws*, bill drafting services, and other LC publications. In 2005-07, Other Funds receipts are estimated at \$1.9 million.

A small portion of the publication sales income is expended as limited Other Funds and used to defray that part of the agency's General Program expenses that are related to *ORS* publication editing. The balance of the publication sales income is expended as nonlimited within the *ORS* Publications Program.

During 2001-03, LC began utilizing its statutory authority to charge state agencies and other entities for drafting legislation. The concept was discussed during 2001 budget hearings, and LC was encouraged to develop a plan for implementing drafting charges. In November 2002, the Emergency Board approved a \$74,999 Other Funds expenditure limitation increase, so LC could spend the newly generated revenue. During 2001-03 and 2003-05, the bill drafting services income was expended as limited Other Funds and primarily used to cover the costs of providing the services. In 2005-07, LC expects to receive approximately \$120,000 Other Funds from bill drafting services.

Budget Environment

The number of bills and amendments being drafted fluctuates from session to session, but overall the trends are fairly flat. During the last three regular sessions, 3,624 to 4,385 bill drafts were requested and 4,569 to 5,894 amendments were prepared. As of December 2004, bill draft requests for the 2005 regular session were up by approximately 6% over the same time two years ago. The primary driver for the increase is a roughly 15% increase in agency requests. When workload increases, it creates additional pressure on LC staff, which ripples throughout the institution as these bills are drafted, introduced, amended, and finalized.

During legislative sessions, the agency hires temporary employees that serve primarily as copy editors for staff attorneys and to assist with workload issues. However, the agency has worked to reduce its reliance on temporary staff over the last several biennia.

Publication sales of *Oregon Revised Statutes* and *Oregon Laws* have declined in recent biennia due, in part, to the availability from free or low-cost Internet sources. The decline is also due to a private company's efforts to create and sell a competing product. Prior to the 2003-05 biennium, LC attempted to reach a revenue neutral arrangement with the private vendor; however, its attempts were not successful and the prospects of a future agreement appear to be extremely unlikely. In spite of declining sales and the competing company, Other Funds receipts have remained stable because of increased efficiencies in operations and increased sales of specialty publications. Specialty publications include the criminal code; family law code; landlord-tenant laws; labor, employment, and workers' compensation laws; and construction and building trade laws. LC plans to continue expansion of its specialty publications and more actively market its products. LC's marketing plans include appearing at trade shows; joining the Brand Oregon program; developing and using an identified brand; opening an electronic store; surveying its customer base; offering promotional discounts; and placing ads

in legal publications. If Other Funds receipts were to decline, additional General Fund support may be needed for *ORS* publication.

The agency's 2001-03 General Fund budget was reduced by \$178,409 based on special session actions during the interim and only partial funding of salary and benefit cost increases. The reductions were one-time in nature and required delays in computer purchases, reduced computer support services, reduced employee training, and delayed filling of vacant positions. In November 2002, the Other Funds expenditure limitation was increased \$74,999 by the Emergency Board, so revenue derived from bill drafting services could be used to cover associated costs. In January 2003, \$42,875 was appropriated, partially restoring the second special session reduction, for replacement of 25 personal computers.

Legislatively Adopted Budget

The legislatively adopted budget funds the Legislative Counsel's office at 6.5% (\$543,210) above the 2003-05 legislatively approved budget. The adopted budget eliminated \$150,000 General Fund requested in two policy packages; increased Other Funds expenditures by \$60,013 and 0.50 FTE based on a third policy package, so that additional editorial/indexing resources, funded from publication sales revenue, would be available; and reflects reduced PERS rates and DAS/SOS assessments. Most of the increase over the 2003-05 budgeted amounts is due to personal services adjustments related to PERS and health benefits; pension obligation bond debt service costs; and funding for merit increases for eligible employees. The adopted budget allows the agency to continue existing operations.

LEG – Legislative Fiscal Office

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Legislative Branch's Recommended	2005-07 Legislatively Adopted
General Fund	3,688,524	4,025,515	4,402,128	4,598,743
Total Funds	\$3,688,524	\$4,025,515	\$4,402,128	4,598,743
Positions	17	17	17	19
FTE	17.00	17.00	17.00	18.75

Program Description

The Legislative Fiscal Office (LFO) is a non-partisan, legislative service agency created by statute in 1959. The Office researches, analyzes, and makes recommendations concerning state expenditures, financial affairs, program administration, and agency organization. The Office reports to the Joint Committee on Ways and Means during legislative sessions and to the Emergency Board during the interim between sessions. The Office determines the fiscal impact of all legislative measures and, when applicable, publishes fiscal impact statements that accompany bills through the legislative process. The Office provides staff support for the Joint Legislative Committee on Information Management and Technology (JLCIMT), including budget analysis and non-technical policy recommendations concerning state agency information systems projects. During the interim, the Office also conducts reviews and performance audits of selected programs for the Joint Legislative Audit Committee and provides staff support for special interim committees. The Office produces various publications to guide Ways and Means processes; address specific budgetary topics; provide legislative members, agencies, and the public with detailed and summary information as each budget is presented and after it is adopted; and annually reports on the status of all liquidated and delinquent accounts, as well as agency efforts to collect on such accounts.

Budget Environment

As with other committee staffs, the work of the Legislative Fiscal Office changes focus between legislative sessions and the interim between sessions. During sessions, budget analysis and the number of bill introductions and amendments creates the workload for the agency. The Office reviews all measures to determine if they have a fiscal impact. The continuous increase in bills and amendments requires the staff to write more fiscal impact statements. During approximately eight months of the 2003 legislative session, LFO analysts reviewed nearly 4,400 bills to determine their fiscal impact. They researched and issued fiscal impact statements on 2,153 bills – an average of 270 per month.

During the interim, workload is driven by the number, length, and complexity of special sessions necessary to rebalance the statewide budget; the number and complexity of Emergency Board requests; the number of meetings and issues before the JLCIMT and special interim budget review committees; and the number and

depth of performance audits or program evaluations required by the Joint Legislative Audit Committee. The turnover in members continues to cause the Office to spend a significant amount of time educating members and their staffs about the budget process.

The agency's 2001-03 General Fund budget was reduced by \$109,046 based on special session actions during the interim and only partial funding for salary and benefit increases. The reductions were one-time in nature and required the agency to delay hiring of two analysts and reduce services and supplies expenditures.

Legislatively Adopted Budget

The legislatively adopted budget funds the Legislative Fiscal Office at 14.2% (\$573,228) above the 2003-05 legislatively approved budget. The adopted budget eliminates the rotational analyst program and redirects funds budgeted for this program to support the restoration of a permanent fiscal impact analyst and provides additional funds for an additional permanent analyst to coordinate the office's ongoing efforts to implement and improve Oregon's performance measurement system. The budget also increases based on personal services adjustments related to PERS and health benefits; pension obligation bond debt service costs; funding for merit increases for eligible employees; and two position classification changes linked to reassignment of duties and responsibilities.

LEG – Legislative Revenue Office

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Legislative Branch's Recommended	2005-07 Legislatively Adopted
General Fund	1,396,109	1,464,474	1,551,399	1,552,964
Total Funds	\$1,396,109	\$1,464,474	\$1,551,399	1,552,964
Positions	6	6	6	6
FTE	6.00	6.00	6.00	6.00

Program Description

The Legislative Revenue Office (LRO) provides staff assistance to the House and Senate Revenue Committees during legislative sessions and to interim revenue committees, task forces, and work groups between sessions. The Office was established in 1975 to provide non-partisan analysis of tax and school-finance issues. The Office prepares research reports and writes revenue impact statements on initiatives, proposed legislation affecting state or local public finance, personal and corporate income taxes, property taxes, consumption taxes, school finance, and distribution of the State School Fund.

Budget Environment

As with other committee staffs, the number of bill introductions and amendments create the workload for the agency during session. Increases in bills and amendments, along with tax-related voter initiatives and legislative referrals, require the staff to write more revenue impact statements. The number of revenue, school finance committee, task force, and workgroup meetings and related research and analysis projects determines the interim workload.

The agency's 2001-03 General Fund budget was reduced by \$20,227 based on special session actions during the interim and only partial funding of employee salary and benefit increases. The reductions were one-time in nature and required the agency to postpone certain projects, reduce employee training, and reduce services and supplies expenditures.

House Joint Resolution 42 (2003) required the Legislative Revenue Office to provide staff support to a Joint Interim Committee on Tax Reform during the 2003-05 interim. No funds were specifically appropriated for expenses incurred for this activity; however, \$35,000 General Fund was reserved within the general purpose appropriation to the Emergency Board. The agency did not seek any supplemental funding, as member per diem and mileage expenses were covered by the budget adopted for the Legislative Assembly.

Legislatively Adopted Budget

The legislatively adopted budget funds the Legislative Revenue Office at 6% (\$88,490) above the 2003-05 legislatively approved budget. The adopted budget funds existing activities of the Legislative Revenue Office and provides an additional \$10,000 for on-going costs to replace lap-top computers, desk top computers, and statistical analysis software. The budget increase is primarily due to personal services adjustments related to

PERS and health benefits; pension obligation bond debt service costs; and funding for merit increases for eligible employees.

LEG – Commission on Indian Services

	2001-03 Actual	2003-05 Legislatively Approved	2005-07 Legislative Branch's Recommended	2005-07 Legislatively Adopted
General Fund	287,198	299,011	337,270	336,132
Other Funds	463	5,786	5,925	5,925
Total Funds	\$287,661	\$304,797	\$343,195	342,057
Positions	2	2	2	2
FTE	2.00	2.00	2.00	2.00

Program Description

The Commission on Indian Services compiles information on services available to Indians, assesses state programs and services, serves as a forum for considering Indian problems, and advises on matters relating to the preservation and protection of Indian historic and archaeological resources. The Commission, created in 1975, has 13 members appointed by the President of the Senate and Speaker of the House of Representatives for two-year terms. In addition to one senator and one state representative, each of Oregon's nine federally recognized tribal groups is entitled to one member. The remaining two members are from the Portland area and Willamette Valley Indian communities.

Various statutes require that the Commission be consulted on matters related to the preservation and protection of Indian fish, wildlife, historic, and archaeological resources. SB 770 (2001) requires state agencies to take Oregon's nine federally recognized tribal governments into account when developing policies and implementing programs that may affect tribal interests. The law also requires the Governor to annually convene a meeting of agency representatives and the tribes, the Department of Administrative Services to provide annual training to agency managers and employees that have regular contact with tribes, and state agencies to submit annual reports to the Governor and the Commission on their activities with tribes.

Revenue Sources and Relationships

Other Funds revenue is from registration and other fees derived from sponsorship of special meetings. The funds are used to cover costs associated with the events.

Budget Environment

Staff salaries and Commission member travel are the primary costs in this budget. The Commission holds regular quarterly meetings, as well as special meetings at the call of the Chair. It advises the legislative and executive branches on ways to improve communication and coordination with tribes in an effort to avoid unnecessary court disputes and highlight shared interests.

The Commission reports that governmental (federal, state, and local) and non-governmental entities are increasingly relying on the Commission for technical and coordination services and the volume of phone and mail transactions is increasing. It is also increasingly being asked to provide trainings for effective government-to-government relationships; conduct meetings with agencies and their tribal counterparts by program and issue area; answer questions from various state agencies on how to establish and maintain effective relationships with tribes; and discuss various points of law and strategies. Some of the primary drivers of increases in statutorily-required activities include the Department of Transportation statewide transportation and bridge improvements project; the Oregon Economic and Community Development Department's industrial lands initiative; the Department of Environmental Quality's brownfields redevelopment project; and the Department of State Land's ocean shore permitting and removal-fill permitting projects. Tribal initiated activities related to their various programs and significant events have also increased.

The Commission's 2001-03 General Fund budget was reduced by a total of \$21,475 based on special session actions during the interim and only partial funding of employee salary and benefit increases. The reductions were one-time in nature and required the agency to delay filling an executive assistant position that was vacant due to a retirement and to reduce services and supplies expenditures for postage, printing, travel, and equipment maintenance.

Legislatively Adopted Budget

The legislatively adopted budget funds the Commission on Indian Services at 12.4% (\$37,121) above the 2003-05 legislatively approved budget. The adopted budget funds the existing activities of the Commission. The budget increase is primarily due to personal services adjustments related to PERS and health benefits; pension obligation bond debt service costs; and funding for merit increases for eligible employees.