



County of San Diego

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TO: Supervisor Dianne Jacob, Chairwoman
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FROM: Donald F. Steuer
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HIGHLIGHTS OF THE GOVERNOR'S FY 2014-15 STATE BUDGET MAY REVISION AND POTENTIAL COUNTY IMPACTS

On May 13, 2014, Governor Jerry Brown presented a revised state budget that proposes a \$156.2 billion spending plan for FY 2014-15. The Governor proposed higher spending than the budget he outlined in January in order to meet his promise to pay down debt and reduce long-term liabilities as well as address the unanticipated increase in Medi-Cal costs as a result of the Affordable Care Act. The May Revision also includes the recent agreement with the State Legislature to establish a Rainy Day Fund of \$1.6 billion to help the State manage during any potential economic downturn in the future.

California has continued to experience a multi-billion dollar increase in current-year cash receipts over the last several months, though the Governor continues to caution that the influx is expected to be short lived. He has also made paying down the State's "Wall of Debt" a major priority since eliminating the \$26.6 billion budget deficit he inherited when he became Governor in 2011.

The State's "Wall of Debt" is made up of deferrals and budgetary obligations including monies owed to counties for performing state mandates, including several unpaid obligations going back ten years. The "Wall of Debt" totals approximately \$26.2 billion. To date, the County of San Diego is owed approximately \$60 million for performing unfunded mandates. The Governor proposes in the May Revision a reduction to the "Wall of Debt" and expects to eliminate it by FY 2017-18. In January the Governor proposed paying off counties beginning in FY 2015-16 however the May Revision includes \$100 million for FY 2014-15 to local governments for the pre-2004 mandates.

The Governor's Proposed May Revision also maintains its commitment for 2011 Public Safety Realignment, which shifted lower level offenders from the State to local jurisdictions. Current program allocation formulas for realignment that were adopted as part of the Enacted FY 2012-13 Budget will end on June 30th and a new allocation formula will be developed by the end of this fiscal year.

A few days after the May Revision was released, the non-partisan Legislative Analyst's Office (LAO) estimated that state revenue through June 2015 would be \$2 billion higher than what Governor Brown estimated in the May Revision.

As the budget deliberations begin we will continue to monitor the draft budget trailer bills and will provide updates to you when appropriate. The State Legislature is required to pass a State Budget and forward it to the Governor by June 15th in advance of the end of the fiscal year on June 30th.

The attached document includes highlights of the Governor's FY 2014-15 State Budget May Revision and potential impacts to the County of San Diego. The items summarized reflect the topics addressed in the May Revision document. The budget items that were included in the summary of the Governor's January Proposed Budget, provided to your Board on January 23, 2014, are considered hold-over items if not addressed directly in the attached impact analysis of the May Revision.

The items included in the January and May versions of the Governor's Budget, as well as the discussions and changes made to them by the State Legislature will be addressed and analyzed once the final FY 2014-15 State Budget is passed and signed by Governor Brown.

Respectfully,



DONALD F. STEUER
Asst. Chief Administrative Officer/
Chief Operating Officer

Attachment

cc: CAO, CSG, FGGG, HHSA, LUEG, PSG, CNL, CLK, OSIA

GOVERNOR'S MAY REVISION FISCAL YEAR 2014-15 STATE BUDGET POTENTIAL IMPACTS ON THE COUNTY OF SAN DIEGO



MISCELLANEOUS BUDGET

State Revenue (*Governor's May Revision Budget Summary, Pages 1, 15-17*)

- The Governor's May Revision reflects an increase of \$2.4 billion in expected revenues. The higher revenues are associated in part with a one-time bump in higher than expected personal income tax withholding, partnership income, and dividend income.
- According to the Legislative Analyst's Office's revenue forecast, state revenues should be an additional \$2.5 billion higher for FY 2011-12 through FY 2014-15 than anticipated by the Governor's FY 2014-15 Budget. This assumption is based on an increase in capital gain taxes.

Emergency Drought Response (*Governor's May Revision Budget Summary, Pages 2-3; Legislative Analyst's Office The 2014-15 Budget: Overview of the May Revision, Page 3*)

- In February, the Governor signed Senate Bill 103, emergency drought legislation, that provides \$687 million in new expenditures to provide assistance for drought relief including emergency response, financial assistance for housing and food for workers directly impacted, as well as funding to secure emergency drinking water supplies for impacted communities.
- The May Revision provides an additional \$142 million in drought-related expenditures to reflect higher costs in firefighting, emergency response, and other critical activities.

Rainy Day Fund (*Governor's May Revision Budget Summary, Pages 6-9*)

- The Governor's May Revision proposes a constitutional amendment that requires paying down liabilities and saving for a rainy day. Upon voter approval in November 2014, this amendment would take effect for FY 2015-16.
- The proposed Rainy Day Fund would result in over \$3 billion in savings and \$3 billion in additional debt payments in its first three years of operation.
- If approved, a portion of the amount set aside for the Rainy Day Fund will be used to repay debt/reduce liabilities including the Economic Recovery Bonds associated with the Triple Flip, a funding mechanism approved as part of the 2004 State Budget to fund the State's economic recovery bond program.
 - The Economic Recovery Bonds were originally scheduled to be repaid in the Spring of 2016. However, the Governor's January Proposed Budget assumed repayment in the Spring of 2015.
 - The Governor's May Revision Budget assumes that the Economic Recovery Bonds will be repaid before the end of this year based on \$1.6 billion of revenues set aside for the Rainy Day Fund. The timing of the Triple Flip discontinuance is unclear. Once the Triple Flip is discontinued, the local agency Bradley Burns Sales Tax should be restored to 1.0 percent from the current 0.75 percent ending the need to backfill from the Educational Revenue Augmentation Fund (ERAF).

County Impact

- The elimination of the Triple Flip is not anticipated to result in a net ongoing budgetary impact to the County. General Purpose Revenues received under the Triple Flip, currently classified as In Lieu of Sales Tax, will be reclassified as Sales and Use Taxes (\$5.97 million).
- Depending upon the actual timing of the discontinuance of the Triple Flip, the County may or may not experience the final one-time triple flip true up adjustment sooner than scheduled.

State's Cash Flow (*California State Controller's Office, Press Release: Controller Releases April Cash Update, May 8, 2014*)

- The State Controller's cash update for April 2014 notes \$13.9 billion in total revenues, which surpassed estimates by \$303 million, or 2.2 percent.
- Personal income taxes for the month of April 2014 came in \$82.9 million above estimates; corporate taxes came in \$179.6 million above estimates; yet sales taxes came in short by \$15.4 million.

State Mandate Reimbursement (*Governor's May Revision Budget Summary, Page 64*)

- In the January Proposed Budget the Administration planned to pay off the \$900 million debt to local governments over two years beginning in FY 2015-16.
- The Governor's May Revision proposes a \$100 million payment for FY 2014-15 to local governments for the pre-2004 mandate debt.
 - According to the May Revision, approximately 73 percent of the payment will go to counties, 25 percent to cities, and 2 percent to special districts. The payments are general purpose revenues however the Administration encouraged counties in the May Revision to use the money towards improving implementation of 2011 Realignment and public safety.
- A week following the release of the May Revision, the State Senate and Assembly budget subcommittees did not agendaize the Governor's May Revision proposal on paying off the pre-2004 mandate debts owed to counties, cities and special districts. If May Revision proposals are not heard by the subcommittees, they will likely not be included in the budget considered in the conference committee.

County Impact

- The State currently owes the County more than \$34 million in pre-2004 mandate payments. Based on the County's portion of the total, we would receive \$4.5 million of that amount in FY 2014-15.

Wall of Debt (*Governor's May Revision Budget Summary, Pages 4-5; Continued from the Governor's Proposed Budget Summary, Pages 4, 9*)

- The Governor's Budget continues to focus on repaying items on the Wall of Debt; an unprecedented level of debts, deferrals, and budgetary obligations accumulated over the prior decade.
- In 2011, outstanding budgetary borrowing totaled \$34.7 billion and is now reduced to approximately \$26.2 billion.
- This year's budget plans to reduce the Wall of Debt by over \$11 billion, and fully eliminate it by FY 2017-18 by proposing to eliminate school deferrals, pay off the Economic Recovery Bonds, and make early loan payments.

COMMUNITY SERVICES

Redevelopment Dissolution (*Governor's May Revision Budget Summary, Pages 61-62; Continued from the Governor's Proposed Budget Summary, Pages 131-132*)

- The May Revision estimates that cities will receive an additional \$541 million in general purpose revenues in FY 2013-14 and FY 2014-15 combined, with counties receiving \$662 million and special districts \$209 million. The Budget also estimates that additional ongoing property tax revenues of more than \$700 million annually will be distributed to counties, cities and special districts.

County Impact

- For FY 2014-15, the amount of residual distribution redirected to the County General Fund is anticipated to be \$20 million. However, these amounts are not reflected in the FY 2014-15 CAO Recommended Operational Plan due to outstanding litigation that could significantly reduce the amount of residual distributions directed to the County General Fund.
- For Fiscal Year 2014-15, the amount of residual distribution redirected to the County Library Fund is anticipated to be \$650,000.

FINANCE AND GENERAL GOVERNMENT

Infrastructure Financing District Reform (*Governor's May Revision Budget Summary, Pages 62-63*)

- The Governor's January Proposed Budget included a plan to reform Infrastructure Financing Districts (IFD) to provide local agencies with a broader tool for economic development. The Governor's May Revision proposes several changes based on feedback received since the original plan was released.
- The Governor's IFD proposal in January maintained the current IFD prohibition on the diversion of property tax revenues from schools, and required entities that seek to establish an IFD to gain the approval of the local agencies that would contribute their revenue. The proposal included several changes to current IFD law:
 - Expand the types of projects that IFDs can fund to include military base reuse, urban infill, transit priority projects and affordable housing.
 - Allow IFDs to be established and issue related debt at a 55 percent vote rather than the existing 66 percent requirement.

- Allow IFD project areas to overlap into the project areas of former redevelopment areas.
- The Governor's May Revision proposes additional changes, including separating the proposal from current IFD law. Rather than changing current IFD law, the May Revision would instead establish a new kind of "Enhanced IFD" with a stand-alone provision in statute. The Governor's May Revision Budget Summary notes that the purpose of this change is to allow cities and counties that have not resolved their outstanding redevelopment wind down related issues to participate in the current IFD program, which would continue to exist without modification. Other changes to the Governor's IFD proposal include a modification to include affordable housing projects as projects that an Enhanced IFD may fund, the inclusion of affordable housing rules and restrictions and several statements clarifying some of the issues that were seen as unclear in the Governor's initial proposal.

State-County Assessors' Partnership Agreement Program (*Governor's May Revision Budget Summary, Page 63*)

- The Governor's May Revision includes \$7.5 million in annual funding for a three-year pilot program to enhance local property assessment efforts. Although similar enhancement efforts such as the Property Tax Administration Grant Program (PTAP) were funded by the State between 1995 and 2006, the newly proposed pilot program has key differences: a smaller funding pool, a competitive application process, a limit of nine potential winning counties, and a local matching requirement for funding. Several changes have been made to the program since it was introduced in the Governor's Proposed Budget, including a broadened range of funded assessment services and more flexibility in distribution of program funds according to county size.

County Impact

- Due to the matching requirement, the small nature of this pilot program and the fact that many details of the program are still unclear, it is unknown whether the program would be a benefit to the County. Under the previous program, PTAP, the County of San Diego received as much as \$5.4 million per year with no matching requirement.

State Payment In Lieu of Taxes Funding (*CSAC Summary on the Governor's 2014-2015 Budget Proposal, Page 12*)

- Despite urging from counties and available state revenues, explicit funding for the State Department of Fish and Wildlife Payment In Lieu of Taxes (PILT) program has not been included in either the Governor's proposed budget or the May Revision. The Department of Finance has indicated that funding will not be included until ongoing litigation by rural counties is resolved. State Senate Bill 1410 (SB 1410) was introduced in February 2014, and seeks \$19 million in funding for past due payments to counties, and \$2 million in annual funding for future payments. The County is on record in support of SB 1410.

County Impact

- The State owes the County nearly \$800,000 in overdue PILT payments dating back to FY 1999-2000.

HEALTH AND HUMAN SERVICES

Medi-Cal (*Governor's May Revision Budget Summary, Pages 28-30*)

- The Governor's May Revision increases the caseload estimate for the Affordable Care Act (ACA) mandatory expansion by nearly 60 percent for FY 2014-15 over what was assumed in the Governor's January Proposed Budget (\$513 million increase in State funding for a total of \$918 million in FY 2014-15).
- The Governor's May Revision increases the estimate for the optional expansion caseload by nearly 100 percent to 1.6 million in FY 2014-15 and assumes additional federal fund costs of \$6 billion in FY 2014-15. The Federal government has committed to pay 100 percent of the cost of the new adult group optional expansion for the first three years; by FY 2020-21, the Federal share will decrease to 90 percent and the State will pay 10 percent.
- California increased the mental health and substance use disorder benefits available through Medi-Cal (\$191.2 million increase in state funding). The Governor's May Revision also includes funding for managed care rate increases (\$187.2 million increase in state funding).
- Due to the anticipated workload for new enrollees, the Governor's Budget assumed a delay of required Medi-Cal eligibility redeterminations through April 1, 2014. However, the necessary California Health Eligibility Enrollment and Retention System (CalHEERS) functionality to perform redeterminations will likely not be available until July. The Governor's May Revision assumes further delays in resuming redeterminations (\$25.8 million increase in state funding).

- The Governor's May Revision proposes a pilot program (Pediatric Vision Services) to increase utilization of pediatric vision services (\$1 million increase in state funding). The pilot would use qualified mobile vision providers to expand vision screenings and services. Participating mobile vision service providers will contract with school districts to provide vision exams and eyeglasses to children enrolled in Medi-Cal managed care plans.

County Impact

- Impact of the programmatic changes is unknown. HHSa has seen an increase in Medi-Cal applications and has requested an additional 351 staff years in the FY 2014-15 CAO Recommended Operational Plan. These were approved by the Board of Supervisors' action on September 24, 2013.

Katie A. Settlement/Administrative Costs (*Governor's May Revision Budget Summary, Page 28*)

- The Governor's May Revision includes funding as a placeholder for potential county administrative costs associated with semi-annual progress reports requirement under the *Katie A. v. Bonta* settlement agreement (\$1 million in state funding). The settlement concerns the improvement of mental health and supportive services for children and youth in, or at imminent risk of placement in, foster care in California. There may be new administrative activities that increase the overall cost to counties. The use of this funding is subject to further discussion between the Administration and counties to determine if overall costs have increased.

Unknown County Impact

CalWORKs (*Governor's May Revision Budget Summary, Page 30*)

- Under the ACA, county costs and responsibilities for indigent health care are expected to decrease as more individuals gain access to health care coverage. The State-based Medi-Cal expansion will result in indigent care costs previously paid by counties shifting to the State. State Assembly Bill 85 (2013) formalized that the savings will be redirected to counties for CalWORKs expenditures, providing a corresponding State funding offset. The Governor's May Revision assumes a decrease of the FY 2014-15 redirection amount of \$900 million to \$724.9 million. This change results in increased state funding for CalWORKs (\$175.1 million increase in state funding).

County Impact

- None. The State will need to backfill the shortfall to fund the 5 percent CalWORKs grant increase which will result in an increase of \$6.8 million in State funding over the Governor's January Budget (total of \$13million)

CalFresh (*Governor's May Revision Budget Summary, Page 32*)

- The Governor's May Revision includes funding for a State Utility Assistance Subsidy to provide a state-funded energy assistance subsidy for CalFresh recipients, to comply with recent federal changes regarding the minimum energy assistance benefit that must be received by a household in order to access the standard utility allowance (\$10.5 million increase in State funding). This program will increase household monthly food budgets by an average of \$62 for over 320,000 families.

Unknown County Impact

AIDS Drug Assistance Program (ADAP) (*Governor's May Revision Budget Summary, Page 33*)

- The Governor's May Revision includes \$26.1 million (federal funds) to add two new Hepatitis C virus drugs to the ADAP drug formulary. The drugs were approved by the Food and Drug Administration in late 2013 and were recently recommended for addition to the ADAP drug formulary because they provide a significant improvement in treatment, have a better cure rate, and require a shorter treatment duration.

County Impact

- None – ADAP medication costs are shared by federal and state funds.

Title IV-E Waiver Extension (*Governor's May Revision Budget Summary, Page 32*)

- An increase of \$3.1 million for additional state positions to support the entrance of up to 18 additional counties into the federal child welfare waiver program. This waiver allows California to improve child welfare services program outcomes.

No Direct County Impact

- While this revision does not have a direct impact on county funds, the County of San Diego is one of the 18 counties considering the proposed waiver.

LAND USE AND ENVIRONMENT

Local Coastal Plans (*State Department of Finance Letter to Senate and Assembly Budget Committees: California Coastal Commission Budget Amendment, April 1, 2014*)

- The current-year FY 2013-14 budget included \$3 million in one-time General Fund dollars as part of a proposal intended to address the backlog of local coastal plans awaiting review and \$1 million to assist local jurisdictions. While the Governor's January Proposed Budget did not continue funding to the Coastal Commission to address the backlog of local coastal plan updates, in April the Governor sent a letter through the Department of Finance to the Senate and Assembly Budget Committees asking for the Committees to approve a two year pilot program, allocating \$3 million to the Coastal Commission each year to address the backlog of local coastal plans awaiting review and assist local jurisdictions. Assembly Budget Subcommittee 3 and Senate Budget Subcommittee 2 both acted early in May to approve the Governor's new proposal, and both Committees additionally approved a further augmentation to provide funding to the Coastal Commission for local coastal plans for up to five years.

Tijuana River Valley – 1988 Bond Settlement (*Governor's May Revision Budget Detail: Natural Resources Detail, Page RES 142*)

- Funding in the May Revision Budget Detail reflects the settlement of the lawsuit between the State and the Federal government over impacts of the border fence. This settlement initially included a total of \$4.5 million related to the Wildlife, Coastal, and Park Land Conservation Act of 1988 for the Tijuana River Valley, to be split between the State Department of Parks and Recreation (State Parks Department), the Coastal Conservancy and the Wildlife Conservation Board. The Wildlife Conservation Board and the Coastal Conservancy allocated these funds to the County for use in the Tijuana River Valley regional park, but the State Parks Department has not sent their share, which comes to about \$2.1 million. The Senate and Assembly Budget Subcommittees that handle natural resources both acted to include the allocation of this \$2.1 million to flow through the State Parks Department and back to the County for use in the Tijuana River Valley.

County Impact

- If passed in the final FY 2014-15 budget, these funds will be available to the County for use in the Tijuana River Valley per the 1988 bond.

PUBLIC SAFETY

Public Safety Realignment 2011 and 2011 Realignment Programs/AB 109 (*CSAC Budget Action Bulletin, Page 7*)

- Both the January Proposed Budget and the May Revision assume continued funding for the overall 2011 Realignment program from two state sources: a sales tax of 1.0625 percent and Vehicle License Fees. The May Revision projects a lower level of total sales tax revenue than was forecasted in the Proposed Budget. Lower levels of revenue will impact funds available for 2011 Realignment. In FY 2014-15, the statewide funding for AB 109 activities is projected to decline and the current county allocations in statute expire. A long-term county by county allocation formula will be developed by the Department of Finance in consultation with the California State Association of Counties and a group of county Chief Administrative Officers. Review of total sales tax revenue projections and revenue estimates by account is in progress.

County Impact

- The amount of funding available for 2011 Public Safety Realignment/AB109 is dependent on actual state revenues.
- The projected amount for growth allocations for 2011 Realignment accounts are lower than the State's January projections. The actual amounts available for each account will not be known until the fall.

Restoration of Competency Program (*Governor's May Revision Budget Summary, Page 34*)

- Includes \$3.9 million in General Fund dollars and 13.5 positions to expand the Restoration of Competency Program by up to 55 beds. The program provides for treatment of certain Incompetent to Stand Trial (IST) patients in county jails rather than inpatient treatment at a state hospital.

Unknown County Impact

Trial Court Security (*Governor's May Revision Budget Summary, Page 37*)

- Includes \$1 million to address potential increased court security costs from new court construction. Counties must demonstrate the need for increased trial court security staff as a result of these new courthouses.

County Impact

- Potential future benefit when a new courthouse is constructed that requires additional security personnel.

Prison Population Cap (*Governor's May Revision Budget Summary, Pages 38-40*)

- The February 10, 2014 federal court order granted the State a two-year extension to reduce the population in its institutions to 137.5 percent of capacity by February 28, 2016. In granting the two-year extension, the court also established benchmarks, requiring the State to meet 143 percent of design capacity by June 30, 2014 and 141.5 percent by February 28, 2015.
- **Post Release Community Supervision**
 - The February 10, 2014 federal court order increased credit earnings for non-violent, non-sex second strikers, increasing credit from 20 percent to 33.3 percent.
 - The Statewide Post Release Community Supervision average daily population impact is estimated to be 215 in FY 2013-14 and 819 in FY 2014-15.
 - Includes \$11.3 million to be allocated to county probation departments for short-term increase of offenders on Post Release Community Supervision.

County Impact

- Opportunity for funds to be available to the Probation Department to address the impact of additional offenders on supervision. The method of distribution of these funds has not yet been released.

• **Recidivism Reduction Fund**

- State Senate Bill 105 (2013) augmented the amount available in the Recidivism Reduction Fund by \$9.9 million, increasing the total amount available in the fund to \$91 million.
- The Administration proposes to increase funds for local reentry programs by \$9 million targeting the mental health population who are within six to twelve months of release to facilitate their reentry into the community. Facilities will offer an array of supportive services including case management, employment services, and assistance with obtaining identification cards and enrolling in programs such as Medi-Cal or CalWORKS. The population served includes parolees and offenders pending release Post Release Community Supervision.

Unknown County Impact• **Population Reduction Strategies**

- Includes General Fund expenditures of \$3.1 million, a reduction of \$2.9 million from the Governor's Budget to comply with the additional population reduction strategies ordered by the court. The resources will allow the Department to begin expanding medical parole, implementing an elderly parole program, establishing a parole process for non-violent, non-second strikers that have served 50 percent of their sentence, and reducing the hearing preparation timeline.

Unknown County Impact**California Department of Correction and Rehabilitation** (*Governor's May Revision Budget Summary, Page 41*)• **Adult Population Adjustment**

- Increase of \$5.3 million in FY 2013-14 and \$4.2 million in FY 2014-15 for adult inmate and parole population changes.
- Average daily populations in the prisons are anticipated to be lower. The revised projections are 134,215 in FY 2013-14 and 136,530 in FY 2014-15 (a decrease of 771 and 1,258 inmates respectively).
- Average daily parolee populations are anticipated to be higher. The revised projections are 47,247 in FY 2013-14 and 41,866 in FY 2014-15 (an increase of 1,313 and 5,214 parolees respectively).

No County Impact• **Juvenile Population Adjustment**

- Decrease of \$271,000 General Fund in FY 2013-14 and an increase of \$258,000 General Fund at the State level in FY 2014-15. The revised average daily population projections for wards are 707 in the current year and 656 in the budget year, which is a decrease of four wards in the current year and an increase of 11 wards in the budget year compared to the January projection.

Unknown County Impact

Emergency Drought Response (*Governor's May Revision Budget Summary, Pages 48-49*)

• **Department of Forestry and Fire Protection (CAL FIRE)**

- Increase of \$53.8 million General Fund and \$12.2 million in other funds to expand firefighter surge capacity, retain seasonal firefighters beyond the budgeted fire season, provide additional defensible space inspections, and enhance air attach capabilities to suppress wildfires.

No Direct County Impact

- While this revision does not have a direct impact on County operations or funds, the proposals will likely increase local CAL FIRE resources in support of the San Diego County Fire Authority.

• **Office of Emergency Services**

- Increase of \$4.4 million for the State Operations Center to continue to provide local communities with technical guidance and disaster recovery support related to the drought.

Unknown County Impact

Judicial Branch (*Governor's May Revision Budget Summary, Pages 56-57*)

- Includes total augmentation of \$160 million for a two-year strategy to stabilize state trial court operations, an increase of \$60 million from the January Proposed Budget.
- The Department of Finance estimates a revenue shortfall of up to \$30.9 million in fees that make up the base trial court revenue.

Unknown County Impact