

**76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: SB 5517-A

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Barker
Carrier – Senate: Sen. Monroe**

Action: Do Pass as Amended and as Printed A-Engrossed

Vote: 25 – 0 – 0

House – Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant
– Nays:
– Exc:

Senate – Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters
– Nays:
– Exc:

Prepared By: Linda Gilbert, Department of Administrative Services

Reviewed By: John Borden, Legislative Fiscal Office

Meeting Date: May 13, 2011

Agency

Commission on Judicial Fitness and Disability

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Biennium

2011-13

Budget Summary*

	2009-11	2011-13	2011-13	2011-13	Committee Change from	
	Legislatively Approved Budget (1)	Current Service Level	Governor's Budget	Committee Recommendation	2009-11 Leg Approved	
					\$ change	% change
General Fund	\$ 157,988	\$ 201,311	\$ 178,929	\$ 183,398	+25,410	+16.1%

Position Summary

Authorized Positions	1	1	1	+1	0
Full-time Equivalent (FTE) Positions	0.50	0.50	0.50	+0.50	0.00

(1) Includes adjustments through March 2011.

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Judicial Fitness and Disability Commission is supported by General Fund. The Subcommittee recommends no revenue changes.

Summary of Public Safety Subcommittee Action

The Commission on Judicial Fitness and Disability investigates and acts upon complaints of judicial misconduct or disability. The basis for a finding of misconduct is a violation of Oregon’s Code of Judicial Conduct. The commission does not have formally approved administrative rules, but has rules of procedure.

The commission has jurisdiction over the following categories of judges: justices of the peace, circuit court judges, appellate court judges, temporary or pro-tem judges, senior or “Plan B” semi-retired judges, and judicial referees.

The Subcommittee approved a budget of \$183,398 General Fund for the 2011-13 biennium, a 16.1 percent increase over the 2009-11 Legislatively Approved Budget. At this budgetary level the commission will continue to fund one position, 0.50 full-time equivalent, and will have extraordinary costs restored, as discussed later in this report.

The recommended budget includes a reduction of General Fund for a supplemental ending balance. The reduction is intended to be applied against spending levels in the second year of the biennium and is not to affect program delivery in the first year. To reinforce that intent, the commission’s budget bill includes specific language allowing the agency to expend up to 54 percent of its total biennial General Fund appropriation in the first year of the biennium.

The amount of the reduction for the supplemental ending balance may be restored to the commission during the February 2012 session for the second year of the biennium depending on economic conditions. Therefore, the Co-Chairs of the Joint Committee on Ways and Means expect the commission director to closely monitor the quarterly revenue forecast and other economic indicators to gauge adequacy of funding in the second year and to manage the budget accordingly.

The Subcommittee approved Package 086 and Package 087, which eliminate inflation and decrease projected personal services costs by 5.5 percent. The Subcommittee did not approve Package 090: Analyst Adjustments, which had made a General Fund reduction in the Governor's budget.

The Subcommittee approved Package 801 Targeted Statewide Adjustments, which reduces non-fixed Services and Supplies expenditures by 6.5 percent. This results in a \$3,065 General Fund reduction. This package is a standard statewide package.

The Subcommittee also approved Package 819: Supplemental Statewide Ending Balance. This package produces \$6,263 in General Fund savings to create an increased statewide ending balance. General Fund agencies are contributing to this supplemental ending balance through a 3.5 percent biennial (or seven percent in the second year of the biennium) reduction. The agency will be allowed to spend up to 54 percent of its biennial appropriation in the first year of the biennium, if necessary.

Part of the commission's budget is separately appropriated for extraordinary costs. These are costs that could arise from prosecution of an apparent violation of the Code of Judicial Conduct. The costs are unpredictable and if needed, could grow significantly causing a budget imbalance. In this budget the amount included is \$18,847 General Fund (Services and Supplies). This compares to \$20,941 in the 2009-11 Legislatively Adopted Budget. The 2009-11 amount was reduced; the reductions are part of packages 801 and 819 above.

Summary of Performance Measure Action

See attached Legislatively Adopted 2011-13 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 5517-A

Commission on Judicial Fitness and Disability
Linda Gilbert -- (503) 378-4588

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2009-11 Legislatively Approved Budget at March 2011 *	\$ 157,988	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	157,988	1	0.50
2011-13 ORBITS printed Current Service Level (CSL)*	\$ 201,311	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	201,311	1	0.50
2011-13 Governor's Recommended Budget*	\$ 178,929	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	178,929	1	0.50
<u>SUBCOMMITTEE ADJUSTMENTS (from GRB)</u>									
Package 086: Eliminate Inflation (S&S)									
Services and Supplies	(1,269)	0	0	0	0	0	(1,269)	0	0.00
Package 087: Personal Service Adjustments (PS)									
Personal Services	(7,316)	0	0	0	0	0	(7,316)	0	0.00
Package 090: Analyst Reductions									
Personal Services	1,255	0	0	0	0	0	1,255	0	0.00
Services and Supplies	21,127	0	0	0	0	0	21,127	0	0.00
Package 801: Targeted Statewide Adjustments									
Services and Supplies	\$ (3,065)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	(3,065)	0	0.00
Package 819: Supplemental Statewide Ending Balance									
Services and Supplies	\$ (6,263)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	(6,263)	0	0.00
TOTAL ADJUSTMENTS	\$ 4,469	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	4,469	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 183,398	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	183,398	1	0.50
% Change from 2009-11 Leg Approved Budget	16.1%	0.0%	0.0%	0.0%	0.0%	0.0%	16.1%	0.0%	0.0%
% Change from 2011-13 Current Service Level	-8.9%	0.0%	0.0%	0.0%	0.0%	0.0%	-8.9%	0.0%	0.0%
% Change from 2011-13 Gov's Recommended Budget	2.5%	0.0%	0.0%	0.0%	0.0%	0.0%	2.5%	0.0%	0.0%

*Excludes Capital Construction Expenditures

Legislatively Proposed 2011-2013 Key Performance Measures

Agency: JUDICIAL FITNESS and DISABILITY, COMMISSION on

Mission: To ensure the quality of and effectiveness of the State Judicial System.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
- Percent of Commission recommendations to the Supreme Court upheld versus the total number of recommendations forwarded to the Supreme Court.		Approved KPM	100.00	95.00	95.00
- Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Accuracy	Approved KPM	14.00	79.00	79.00
- Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Availability of Information	Approved KPM	16.00	79.00	79.00
- Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Expertise	Approved KPM	13.00	79.00	79.00
- Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Helpfulness	Approved KPM	15.00	79.00	79.00
- Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Overall	Approved KPM	14.00	79.00	79.00
- Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Timeliness	Approved KPM	15.00	79.00	79.00
- Percent of judges prosecuted by the Commission who are not exonerated.		Approved KPM	0.00	95.00	95.00
- Percent of prosecutions completed within two years of first review through date of final Commission action before the Supreme Court.		Approved KPM	100.00	95.00	95.00
- Percent of stipulated agreements unchanged and approved by the Supreme Court.		Approved KPM	100.00	95.00	95.00

Agency: JUDICIAL FITNESS and DISABILITY, COMMISSION on

Mission: To ensure the quality of and effectiveness of the State Judicial System.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
- Percent of total best practices met by the Board.		Approved KPM	93.00	100.00	

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the Commission's Key Performance Measures and Targets with the understanding that the Commission will report back to the 2013 Legislature with specific recommendations and improvements to its Customer Service KPMs. Note: The "Most Current Result" for the KPM related to "Percent of judges prosecuted by the Commission who are not exonerated" should be 100%.

Sub-Committee Action:

The Subcommittee approved the LFO recommendations.