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# MEMORANDUM

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**To:** Public Safety Subcommittee

**From:** Steve Bender, Legislative Fiscal Office  
(503) 986-1836

**Date:** June 1, 2013

**Subject:** Commission on Judicial Fitness and Disability – HB 5017  
Work Session Recommendations

## Commission on Judicial Fitness and Disability – Agency Totals

	2009-11 Actual	2011-13 Legislatively Approved	2013-15 Current Service Level	2013-15 LFO Recommended
General Fund	\$156,451	\$178,470	\$205,844	\$202,770
Lottery Funds	0	0	0	0
Other Funds	0	0	0	0
Federal Funds	0	0	0	0
<b>Total Funds</b>	<b>\$156,451</b>	<b>\$178,470</b>	<b>\$205,844</b>	<b>\$202,770</b>
Positions	1	1	1	1
FTE	0.50	0.50	0.50	0.50

Attached are the recommendations from the Legislative Fiscal Office for the Commission on Judicial Fitness and Disability. They include the following:

- Approve Packages 092 and 093, to reflect the impact of the policy changes in SB 822 and administrative actions of the PERS Board that reduce state employer contribution rates in the 2013-15 biennium by approximately 4.4 percentage points.
- Transfer \$3,950 General Fund from Administration to Extraordinary Expenses to support potential expenses in the 2013-15 biennium.
- Transfer \$5,000 General Fund from Administration to Extraordinary Expenses in the 2011-13 biennium budget, to support expenses that have been incurred.
- Amend HB 5017 to establish separate General Fund appropriation line items for Administration and Extraordinary Expenses. This replicates the structure of the agency budget bill approved in the 2011 Session.

**Adjustments to Current Service Level:**

See attached "Work Session Presentation Report" dated 6/1/13.

***Accept LFO Recommendation***

*Move the LFO recommendation to HB 5017, or move the LFO recommendation with modifications.*

**Performance Measures**

See attached "Legislatively Proposed 2013-15 Key Performance Measures" form.

***Approve a motion to approve agency Key Performance Measures.***

*Move the LFO recommendation on Key Performance Measures, or move the LFO recommendation with modifications.*

**Recommended Changes to Appropriation Bill:**

The Legislative Fiscal Office recommends a budget of \$202,770 General Fund, and one position (0.50 FTE), and that House Bill 5017 be amended accordingly.

***Approve a motion to amend House Bill 5017 by the following:***

***Delete lines 5 and 6 of the printed bill and insert:***

**"SECTION 1. There are appropriated to the Commission on Judicial Fitness and Disability, for the biennium beginning July 1, 2013, out of the General Fund, the following amounts, for the following purposes:**

- (1) Administration..... \$ 192,446**
- (2) Extraordinary expenses ..... \$ 10,324**

**SECTION 2. (1) Notwithstanding any other provision of law, the General Fund appropriation made to the Commission on Judicial Fitness and Disability by section 1(1), chapter 340, Oregon Laws 2011, for the biennium beginning July 1, 2011, for administration, is decreased by \$5,000.**

**(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Commission on Judicial Fitness and Disability by section 1(2), chapter 340, Oregon Laws 2011, for the biennium beginning July 1, 2011, for extraordinary expenses, is increased by \$5,000."**

**HB 5017 Final Subcommittee Action:**

***Final Motion:*** *Move HB 5017 to the full committee with a "do pass" recommendation, as modified.*

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2011-13 Agy. Leg. Adopted</b>	<b>183,353</b>	-	-	-	-	-	<b>183,353</b>	<b>1</b>	<b>0.50</b>
2011-13 Ebds, SS & Admin Act	(4,883)	-	-	-	-	-	(4,883)	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2011-13 Leg Approved Budget</b>	<b>178,470</b>	-	-	-	-	-	<b>178,470</b>	<b>1</b>	<b>0.50</b>
<b>2011-13 Leg Approved Budget (Base)</b>	<b>178,470</b>	-	-	-	-	-	<b>178,470</b>	<b>1</b>	<b>0.50</b>
Summary of Base Adjustments	14,493	-	-	-	-	-	14,493	-	-
<b>2013-15 Base Budget</b>	<b>192,963</b>	-	-	-	-	-	<b>192,963</b>	<b>1</b>	<b>0.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	591	-	-	-	-	-	591	-	-
030: Inflation & Price List Adjustments	12,290	-	-	-	-	-	12,290	-	-
<b>2013-15 Current Service Level</b>	<b>205,844</b>	-	-	-	-	-	<b>205,844</b>	<b>1</b>	<b>0.50</b>
<b>Adjusted 2013-15 Current Service Level</b>	<b>205,844</b>	-	-	-	-	-	<b>205,844</b>	<b>1</b>	<b>0.50</b>
<b>Total LFO Recommended Packages</b>	<b>(3,074)</b>	-	-	-	-	-	<b>(3,074)</b>	-	-
<b>2013-15 Legislative Actions</b>	<b>202,770</b>	-	-	-	-	-	<b>202,770</b>	<b>1</b>	<b>0.50</b>
Net change from 2011-13 Leg Approved Budget	24,300	-	-	-	-	-	24,300	-	-
Percent change from 2011-13 Leg Approved Budget	13.6%	0.0%	0.0%	0.0%	0.0%	0.0%	13.6%	0.0%	0.0%
Net change from 2013-15 Current Service Level	(3,074)	-	-	-	-	-	(3,074)	-	-
Percent change from 2013-15 Current Service Level	(1.5%)	0.0%	0.0%	0.0%	0.0%	0.0%	(1.5%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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2011-13 Ebds, SS & Admin Act	(4,883)	-	-	-	-	-	(4,883)	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2011-13 Leg Approved Budget</b>	<b>178,470</b>	-	-	-	-	-	<b>178,470</b>	<b>1</b>	<b>0.50</b>
<b>2011-13 Leg Approved Budget (Base)</b>	<b>178,470</b>	-	-	-	-	-	<b>178,470</b>	<b>1</b>	<b>0.50</b>
Summary of Base Adjustments	14,493	-	-	-	-	-	14,493	-	-
<b>2013-15 Base Budget</b>	<b>192,963</b>	-	-	-	-	-	<b>192,963</b>	<b>1</b>	<b>0.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	591	-	-	-	-	-	591	-	-
030: Inflation & Price List Adjustments	12,290	-	-	-	-	-	12,290	-	-
<b>2013-15 Current Service Level</b>	<b>205,844</b>	-	-	-	-	-	<b>205,844</b>	<b>1</b>	<b>0.50</b>
<b>Adjusted 2013-15 Current Service Level</b>	<b>205,844</b>	-	-	-	-	-	<b>205,844</b>	<b>1</b>	<b>0.50</b>
<b>Total LFO Recommended Packages</b>	<b>(3,074)</b>	-	-	-	-	-	<b>(3,074)</b>	-	-
<b>2013-15 Legislative Actions</b>	<b>202,770</b>	-	-	-	-	-	<b>202,770</b>	<b>1</b>	<b>0.50</b>
Net change from 2011-13 Leg Approved Budget	24,300	-	-	-	-	-	24,300	-	-
Percent change from 2011-13 Leg Approved Budget	13.6%	0.0%	0.0%	0.0%	0.0%	0.0%	13.6%	0.0%	0.0%
Net change from 2013-15 Current Service Level	(3,074)	-	-	-	-	-	(3,074)	-	-
Percent change from 2013-15 Current Service Level	(1.5%)	0.0%	0.0%	0.0%	0.0%	0.0%	(1.5%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 092 PERS Taxation Policy**

Package Description This package reflects the policy change in SB 822 that eliminates the increased retirement benefits resulting from Oregon income taxation of payments if the person receiving payments does not pay Oregon income tax on those benefits and is not an Oregon resident. This change reduces state employer contribution rates by approximately 0.30%.

LFO Recommendation

LFO Recommended

Revenues	(342)	-	-	-	-	-	(342)		
Expenditures	(342)	-	-	-	-	-	(342)	-	-

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 093 Other PERS Adjustments**

Package Description This package reflects the policy change in SB 822 that modifies the cost-of-living adjustment under the Public Employees Retirement System. This change reduces state employer contribution rates by approximately 2.2%.

An administrative action by the PERS Board, as directed by a budget note in the SB 822 budget report, will reduce state employer contribution rates by up to an additional 1.9%. However, no employer rate is reduced below its 2011-13 biennium rate.

LFO Recommendation

**LFO Recommended**

Revenues	(2,732)	-	-	-	-	-	(2,732)		
Expenditures	(2,732)	-	-	-	-	-	(2,732)	-	-

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 810 LFO Analyst Adjustments**

Package Description Transfers \$3,950 from Administration to Extraordinary Expenses. The action supplements support for potential Extraordinary Expenses in the 2013-15 biennium. The agency may not use these funds for regular operating expenses.

The dollar amount of the transfer is equal to the projected 2011-13 General Fund ending balance for Administration, after the 2011-13 biennium \$5,000 General Fund transfer from Administration to Extraordinary Expenses included in HB 5017.

Under law, this 2011-13 biennium projected ending balance will supplement the 2013-15 biennium appropriation for Administration, without additional legislative action.

LFO Recommendation Approve the request.

Budget Instructions Increase Professional Services General Fund [4300 / 8000] by \$3,950 in the Extraordinary Expenses DCR. A General Fund S and S - LFO Analyst Adjustment of -\$3,950 [4995 / 8000] is added, to be allocated by the agency to Services and Supplies in the Operations DCR.

LFO Analyst Notes Budget after Package 810 for purposes of HB 5017:

Administration \$192,446  
Extraordinary Expenses \$10,324

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**LFO Recommended**

Revenues	-	-	-	-	-	-	-	-	-
Expenditures	-	-	-	-	-	-	-	-	-

## Legislatively Proposed 2013-2015 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 2014	Target 2015
- 1. Percent of Commission recommendations to the Supreme Court upheld versus the total number of recommendations forwarded to the Supreme Court.		Approved KPM	100.00	100.00	100.00
- 2. Percent of judges prosecuted by the Commission who are not exonerated.		Approved KPM	0.00	100.00	100.00
- 3. Percent of stipulated agreements unchanged and approved by the Supreme Court.		Approved KPM	100.00	100.00	100.00
- 4. 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
- 5. 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
- 5. 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
- 5. 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
- 5. 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
- 5. 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	70.00	79.00	79.00
- 5. 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



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

<b>Legislatively Proposed KPMs</b>	<b>Customer Service Category</b>	<b>Agency Request</b>	<b>Most Current Result</b>	<b>Target 2014</b>	<b>Target 2015</b>
- 6. Percent of total best practices met by the Board.		Approved KPM	93.00	100.00	100.00

**LFO Recommendation:**

Change KPM #1 title to, "Percent of Commission recommendations forwarded to the Supreme Court that are upheld by the Supreme Court". Approve 2014 and 2015 KPM targets.

**Sub-Committee Action:**