

HB 5017

Commission on Judicial Fitness and Disability

House Bill 5017 is the budget bill for the Commission on Judicial Fitness and Disability. The Commission's mission is to investigate and act upon complaints of judicial misconduct or disability based on the Oregon Code of Judicial Conduct. The Commission's jurisdiction extends to Oregon's state judges, including circuit and appellate court judges, pro-tem judges, and judicial referees; and to justices of the peace.

The Commission's budget is supported by General Fund. The Subcommittee approved a budget of \$202,770 General Fund and one half-time position (0.50 FTE). This funding level provides support for the continued operation of current services, with reductions to reflect the impact of legislative and administrative actions that reduce the PERS contribution rate.

House Bill 5017 as amended also includes adjustments to both the Commission's 2011-13 biennium budget, and to its 2013-15 biennium budget, to support extraordinary expenses arising from the investigation and prosecution of violation cases. The bill transfers \$5,000 from administration to extraordinary expenses in the 2011-13 biennium budget and \$3,950 from administration to extraordinary expenses for 2013-15.

The Subcommittee on Public Safety Subcommittee recommends House Bill 5017 be amended and reported out do pass, as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: HB 5017-A

Carrier – House: Rep. Williamson

Carrier – Senate: Sen. Whitsett

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

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Kay Erickson, Department of Administrative Services

Reviewed By: Steve Bender, Legislative Fiscal Office

Meeting Date: June 19, 2013

Agency

Commission on Judicial Fitness and Disability

Biennium

2013-15

2011-13

Budget Summary*

	2011-13 Legislatively Approved Budget ⁽¹⁾	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 178,470	\$ 205,844	\$ 202,770	\$ 24,300	13.6%
Total	\$ 178,470	\$ 205,844	\$ 202,770	\$ 24,300	13.6%

Position Summary

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

⁽¹⁾ Includes adjustments through December 2012

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Commission on Judicial Fitness and Disability is supported entirely by General Fund. The Joint Committee on Ways and Means Public Safety Subcommittee recommended no revenue changes.

Summary of Public Safety Subcommittee Action

The Commission on Judicial Fitness and Disability is one of the three independent state entities within the Judicial Branch of government. The Commission investigates complaints or judicial misconduct or disability filed against Oregon judges. It has jurisdiction over the state's 32 justices of the peace, 173 circuit court judges, 17 appellate court judges, the tax court judge, pro-tem judges, and senior "Plan B" judges. It does not have jurisdiction over municipal court judges, arbitrators, or administrative law judges.

Part of the Commission's budget is separately appropriated for extraordinary expenses. These are expenses that 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.

The Public Safety Subcommittee approved a 2013-15 biennium budget of \$202,770 General Fund and one half-time position (0.50 FTE). This represents a 13.6 percent increase over the 2011-13 legislatively approved budget through December 2012, and a 1.5 percent decrease from the 2013-15 current service level.

The Subcommittee approved the following adjustments to the Commission’s budget:

- Package 092: PERS Taxation Policy reduces General Fund by \$342. 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 percent.
- Package 093: Other PERS Adjustments reduces General Fund by \$2,732. 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 percent.

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 percent. However, no employer rate is reduced below its 2011-13 biennium rate.

- Package 810: LFO Analyst Adjustments creates separate appropriations for the 2013-15 biennium for administration and extraordinary expenses. The Subcommittee transferred \$3,950 General Fund from administration to extraordinary expenses. The action supplements support for potential extraordinary expenses in the 2013-15 biennium to \$10,324. The agency may not use these funds for regular operating expenses. The packages increases Professional Services in the extraordinary expenses budget and decreases Services and Supplies in the operations budget for a net zero adjustment in the Commission’s overall budget.

The dollar amount of the transfer for the 2013-15 biennium is equal to the projected 2011-13 General Fund ending balance for administration, after the 2011-13 biennium transfer of \$5,000 General Fund from administration to extraordinary expenses described below. Under law, this 2011-13 biennium projected ending balance will supplement the 2013-15 biennium appropriation for administration, without additional legislative action.

The Subcommittee also adjusted the Commission’s 2011-13 biennium General Fund appropriation to finance extraordinary expenses incurred in the 2011-13 biennium. The Subcommittee transferred \$5,000 General Fund appropriation from administration to extraordinary expenses made by chapter 340, section 1, Oregon Laws 2011, for the 2011-13 biennium as follows:

<u>Subsection</u>	<u>Amount</u>
(1) Administration	\$ -5,000
(2) Extraordinary expenses	+\$5,000

Summary of Performance Measure Action

See attached Legislatively Adopted 2013-15 Key Performance Measures form. The Subcommittee changed the title of KPM #1 to “Percent of Commission recommendations forwarded to the Supreme Court that are upheld by the Supreme Court” and approved the 2014 and 2015 KPM targets.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

HB 5017-A

Commission on Judicial Fitness and Disability
Kay Erickson -- 503-378-4588

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2011-13 Legislatively Approved Budget at Dec 2012 *	\$ 178,470	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 178,470	1	0.50
2013-15 ORBITS printed Current Service Level (CSL)*	\$ 205,844	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 205,844	1	0.50
SCR 100 - Administration									
Package 092: PERS Taxation Policy									
Personal Services	\$ (342)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ (342)	0	0.00
Package 093: Other PERS Adjustments									
Personal Services	\$ (2,732)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ (2,732)	0	0.00
Package 810: LFO Analyst Adjustments									
Services and Supplies (Professional Services)	\$ 3,950	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 3,950		
Services and Supplies	\$ (3,950)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ (3,950)		
TOTAL ADJUSTMENTS	\$ (3,074)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ (3,074)	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 202,770	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 202,770	1	0.50

% Change from 2011-13 Leg Approved Budget	13.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	13.6%
% Change from 2013-15 Current Service Level	-1.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	-1.5%

*Excludes Capital Construction Expenditures

Legislatively Approved 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 forwarded to the Supreme Court that are upheld by 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

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
- 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:

The Subcommittee approved the Legislative Fiscal Office recommendation.

**PROPOSED AMENDMENTS TO
HOUSE BILL 5017**

1 Delete lines 5 through 9 of the printed bill and insert:

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

5 (1) Administration..... \$ 192,446

6 (2) Extraordinary expenses \$ 10,324

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

12 **“(2) Notwithstanding any other provision of law, the General Fund**
13 **appropriation made to the Commission on Judicial Fitness and Disa-**
14 **bility by section 1 (2), chapter 340, Oregon Laws 2011, for the biennium**
15 **beginning July 1, 2011, for extraordinary expenses, is increased by**
16 **\$5,000.**

17 **“SECTION 3. This 2013 Act being necessary for the immediate**
18 **preservation of the public peace, health and safety, an emergency is**
19 **declared to exist, and this 2013 Act takes effect on its passage.”.**