

**HB 5014 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Frederick

**Joint Committee On Ways and Means**

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**Action Date:** 04/21/17

**Action:** Do pass the A-Eng bill.

**Senate Vote**

**Yeas:** 10 - DeBoer, Devlin, Frederick, Hansell, Johnson, Manning Jr, Monroe, Roblan, Steiner Hayward, Winters

**Nays:** 2 - Girod, Thomsen

**House Vote**

**Yeas:** 6 - Gomberg, Holvey, Nathanson, Rayfield, Stark, Williamson

**Nays:** 3 - Huffman, McLane, Smith G

**Exc:** 2 - Smith Warner, Whisnant

**Prepared By:** Michelle Lisper, Department of Administrative Services

**Reviewed By:** Steve Bender, Legislative Fiscal Office

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**Commission on Judicial Fitness and Disability  
2017-19**

**Budget Summary\***

	2015-17 Legislatively Approved Budget <sup>(1)</sup>	2017-19 Current Service Level	2017-19 Committee Recommendation	Committee Change from 2015-17 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 405,898	\$ 254,889	\$ 245,939	\$ (159,959)	-39.4%
Total	\$ 405,898	\$ 254,889	\$ 245,939	\$ (159,959)	-39.4%

**Position Summary**

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

<sup>(1)</sup> Includes adjustments through December 2016

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

The Commission on Judicial Fitness and Disability is funded 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 three independent state entities within the Judicial Branch. The Commission investigates complaints filed against Oregon judges. It has jurisdiction over the state’s 32 justices of the peace, 173 circuit court judges, 20 appellate court judges, the tax court judge and pro-tem judges, and 53 Plan B senior judges. It does not have jurisdiction over municipal court judges, arbitrators, or administrative law judges. The Commission may recommend that the Oregon Supreme Court discipline a judge for misconduct. The Supreme Court may censure, suspend, or remove a judge from the bench.

Part of the Commission’s budget is separately appropriated for extraordinary expenses. These expenses arise from investigation and 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 separate appropriation provides additional funding specifically to finance these expenses, although the administration appropriation can be used for this purpose as well.

The Public Safety Subcommittee approved a 2017-19 biennium budget of \$245,939 General Fund and one half-time position (0.50 FTE). This represents a 39.4 percent decrease from the 2015-17 Legislatively Approved Budget through December 2016 and a 3.5 percent decrease from the Current Service Level.

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

Package 801, LFO Analyst Adjustments - makes a reduction from the agency’s Current Service Level funding. The package decreases General Fund support for Services and Supplies by \$8,950 to assist in balancing the statewide General Fund budget.

The Public Safety Subcommittee approved separate appropriations for the 2017-19 biennium as follows: subsection (1) Administration and subsection (2) Extraordinary expenses. The action maintains support for potential extraordinary expenses in the 2017-19 biennium at the Current Service Level. The agency may not use the Extraordinary expenses appropriation for regular operating expenses.

The Public Safety Subcommittee appropriated General Fund as follows:

Subsection Amount

- (1) Administration . . . . . \$227,713
- (2) Extraordinary expenses . . . . \$18,226.

**Summary of Performance Measure Action**

See attached Legislatively Adopted 2017-19 Key Performance Measures form.

## DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Commission on Judicial Fitness & Disability

Michelle Lisper -- 971-283-6360

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2015-17 Legislatively Approved Budget at Dec 2016 *	\$ 405,898	\$ -	\$ -	\$ -	\$ -	\$ -	405,898	1	0.50
2017-19 Current Service Level (CSL)*	\$ 254,889	\$ -	\$ -	\$ -	\$ -	\$ -	254,889	1	0.50
<b>SUBCOMMITTEE ADJUSTMENTS (from CSL)</b>									
<b>SCR 100 - Administration</b>									
Package 801: LFO Analyst Adjustments									
Services and Supplies	\$ (8,950)	\$ -	\$ -	\$ -	\$ -	\$ -	(8,950)		
<b>TOTAL ADJUSTMENTS</b>	<b>\$ (8,950)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>(8,950)</b>	<b>0</b>	<b>0.00</b>
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$ 245,939</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>245,939</b>	<b>1</b>	<b>0.50</b>
% Change from 2015-17 Leg Approved Budget	-39.4%	0.0%	0.0%	0.0%	0.0%	0.0%	-39.4%		
% Change from 2017-19 Current Service Level	-3.5%	0.0%	0.0%	0.0%	0.0%	0.0%	-3.5%		

\*Excludes Capital Construction Expenditures

# Legislatively Approved 2017 - 2019 Key Performance Measures

Published: 4/19/2017 5:29:00 PM

**Agency:** Judicial Fitness and Disability Commission

**Mission Statement:**

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

Legislatively Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2018	Target 2019
1. Percent of Commission recommendations forwarded to the Supreme Court that are upheld by the Supreme Court.		Approved	100%	100%	100%
2. Percent of judges prosecuted by the Commission who are not exonerated.		Approved	No Data	100%	100%
3. Percent of stipulated agreements unchanged and approved by the Supreme Court.		Approved	100%	100%	100%
4. Percent of prosecutions completed within two years of first review through date of final Commission action before the Supreme Court.		Approved	100%	95%	95%
5. CUSTOMER SATISFACTION - 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	13	79	79
	Overall		70	79	79
	Accuracy		14	79	79
	Availability of Information		16	79	79
	Helpfulness		15	79	79
	Timeliness		15	79	79
6. Percent of total best practices met by the Board.		Approved	93	100	100

**LFO Recommendation:**

Approve the Key Performance Measures and KPM targets shown above. The KPMs are unchanged from the 2015-17 biennium. The agency did not propose KPM targets. LFO recommends approving the identified targets, which are equal to the KPM targets established for the 2015-17 biennium.

LFO notes that minimal KPM data exist for this agency. The Commission is easily able to track all KPMs, excluding KPM #5, however, the agency did not report data on KPM #6, and the low number of prosecutions and of cases submitted to the Supreme Court means that the most recent data for KPMs #1 through #4 date back to 2008. The most recent data for KPM #6 also dates back to 2008.

**SubCommittee Action:**

The Subcommittee approved the LFO recommendation. In addition, the Chair of the Commission notified that Subcommittee that the agency would begin submitting regular KPM reports, and initially report KPM values to the House Judiciary Committee during the 2018 Session.