

HB 5013 BUDGET REPORT and MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: April McDonald, Department of Administrative Services

Reviewed By: John Borden, Legislative Fiscal Office

**Commission on Judicial Fitness and Disability
2021-23**

PRELIMINARY

Budget Summary*

| | 2019-21 | 2021 - 23 | 2021-23 | Committee Change from 2019-21 Leg. | |
|--------------|--|-----------------------|--------------------------|------------------------------------|----------|
| | Legislatively Approved Budget ⁽¹⁾ | Current Service Level | Committee Recommendation | Approved | |
| | | | | \$ Change | % Change |
| General Fund | \$ 290,001 | \$ 306,164 | \$ 306,164 | \$ 16,163 | 5.6% |
| Total | \$ 290,001 | \$ 306,164 | \$ 306,164 | \$ 16,163 | 5.6% |

Position Summary

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

⁽¹⁾ Includes adjustments through January 2021

* 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 an independent agency within the Judicial Branch of Government charged by statute with investigating and acting upon complaints of judicial misconduct or disability. The basis for a finding of misconduct is a violation of the Oregon Code of Judicial Conduct. The Commission may recommend the Oregon Supreme Court discipline a judge for misconduct and the Supreme Court may censure, suspend, or remove a judge from the bench. The Commission has jurisdiction over the state’s justices of the peace, pro-tem, circuit court and appellate court judges, the tax court judge, and Plan B senior judges. The Commission does not have jurisdiction over municipal court judges, arbitrators, or administrative law judges. The nine-member Commission is comprised of three judges, three lawyers, and three members of the public. The executive director of the Commission is also an attorney in private practice.

A portion 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, which may require supplemental funding by the Legislature or Legislative Emergency Board. 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 recommended a 2021-23 biennium budget of \$306,164 General Fund and one half-time position (0.50 FTE). This represents a 5.6 percent increase from the 2019-21 Legislatively Approved Budget through January 2021, and is equal to the Current Service Level. The Commission's ordinary operating appropriation totals \$286,091 General Fund and the extraordinary appropriation totals \$20,073 General Fund.

Summary of Performance Measure Action

See attached Legislatively Adopted 2021-23 Key Performance Measures form.

PRELIMINARY

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Commission on Judicial Fitness and Disability
 April McDonald -- (503) 877-8125

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|---|-------------------|---------------|-------------|-------------|---------------|-------------|-----------------|----------|-------------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| 2019-21 Legislatively Approved Budget at Jan. 2021* | \$ 290,001 | \$ - | \$ - | \$ - | \$ - | \$ - | 290,001 | 1 | 0.50 |
| 2021-23 Current Service Level (CSL)* | \$ 306,164 | \$ - | \$ - | \$ - | \$ - | \$ - | 306,164 | 1 | 0.50 |
| SUBCOMMITTEE RECOMMENDATION * | \$ 306,164 | \$ - | \$ - | \$ - | \$ - | \$ - | 306,164 | 1 | 0.50 |
| % Change from 2019-21 Leg Approved Budget | 5.6% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 5.6% | | |
| % Change from 2021-23 Current Service Level | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | | |

*Excludes Capital Construction Expenditures

PRELIMINARY

Legislatively Approved 2021 - 2023 Key Performance Measures

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Agency: Judicial Fitness and Disability Commission

Mission Statement:

The mission of the Commission is to ensure the quality and effectiveness of the state judicial system

| Legislatively Approved KPMs | Metrics | Agency Request | Last Reported Result | Target 2022 | Target 2023 |
|---|---------|----------------|----------------------|-------------|-------------|
| 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 | 100% | 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. Percent of total best practices met by the Board. | | Approved | 100 | 100 | 100 |

LFO Recommendation:

The Legislative Fiscal Office recommends approval.

SubCommittee Action:

The General Government Subcommittee adopted the Legislative Fiscal Office recommendation.

PRELIMINARY