

**SB 5513 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Sollman

**Joint Committee On Ways and Means**

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**Action Date:** 05/26/23

**Action:** Do pass with amendments. (Printed A-Eng.)

**Senate Vote**

**Yeas:** 9 - Anderson, Campos, Dembrow, Frederick, Hansell, Knopp, President Wagner, Sollman, Steiner

**Exc:** 3 - Findley, Gelser Blouin, Girod

**House Vote**

**Yeas:** 11 - Breese-Iverson, Evans, Gomberg, Holvey, Lewis, McLain, Pham K, Reschke, Sanchez, Smith G, Valderrama

**Exc:** 1 - Cate

**Prepared By:** Wendy Gibson, Department of Administrative Services

**Reviewed By:** John Borden, Legislative Fiscal Office

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**Commission on Judicial Fitness and Disability**

**2023-25**

**Budget Summary\***

	2021-23 Legislatively Approved Budget <sup>(1)</sup>	2023-25 Current Service Level	2023-25 Committee Recommendation	Committee Change from 2021-23 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 330,499	\$ 313,096	\$ 333,096	\$ 2,597	0.8%
Total	\$ 330,499	\$ 313,096	\$ 333,096	\$ 2,597	0.8%

**Position Summary**

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

<sup>(1)</sup> Includes adjustments through January 2023

\* 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. By statute, the commission is allowed to retain any unspent General Fund carryforward (i.e., reversions). The 2021-23 carryforward has yet-to-be determined.

**Summary of Public Safety Subcommittee Action**

The Commission on Judicial Fitness and Disability is an independent agency within the Judicial Branch of Government and is charged, by statute, with investigating and acting upon complaints of judicial misconduct or disability. 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. 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’s jurisdiction extends to approximately 400 judges, including: justices of the peace (32), circuit court judges (179), appellate court judges (20), Tax Court Judge (1), Tax Court Magistrate (3), temporary or pro-tem judges (± 120), judicial referees (± 39), and senior or “Plan B” semi-retired judges (± 55). The commission does not have jurisdiction over municipal court judges, arbitrators, or administrative law judges.

The commission’s workload is variable and depends upon the number of complaints received and the number and complexity of any investigations and prosecutions initiated in response to complaints. A significant number of the complaints involve a judge’s legal determination and, after initial review by the commission, are dismissed because they fall outside the commission’s statutory authority to investigate judicial

misconduct. Complaints within the commission’s statutory authority are initially investigated. If sufficient evidence supports the complaint, the commission hires an outside counsel to conduct a formal investigation.

The budget is organized into the following areas: routine operational costs and extraordinary costs. The routine operating budget pays for a half-time executive director, office rental and supplies, meeting accommodations, travel reimbursements, complaint reviews, and initial investigations. Formal investigations and prosecutions are classified as extraordinary expenses since the commission has no control over the number of valid complaints or their cost. Extraordinary expenses may include private attorney fees for investigations and trials, court reporter services, meeting space rental, executive director and board member travel expenses for formal hearings, and miscellaneous expenses. The Legislature historically has provided the commission with an approved budget for extraordinary expenses with the understanding the commission may return to the Emergency Board or the Legislature, if extraordinary expenses exceed the available budget.

The Public Safety Subcommittee recommended a 2023-25 biennium budget of \$333,096 General Fund and one half-time position (0.50 FTE). This represents an 0.8 percent increase from the 2021-23 Legislatively Approved Budget through January 2023, and 6.4 percent increase from the current service level. The commission’s ordinary operating appropriation totals \$311,257 General Fund and the extraordinary appropriation totals \$21,839 General Fund.

The recommended budget includes the following package:

Package 101, Case Management System. This package appropriates, on a one-time basis, \$20,000 General Fund for Information Technology Professional Services. The purpose of this package is for the commission to purchase a Commercial-Off-the-Shelf (COTS) case management system for the tracking, reporting, and storage of complaints, investigations, prosecutions data. The COTS would be a cloud-based solution. The entry of data would be on a go-forward basis; however, legacy case data could be entered into the new system, as time permits. The commission intends to find a COTS like those employed in other states with judicial fitness commissions. The transition to a new system is estimated to be completed by June 30, 2024. Ongoing costs for licensing and maintenance have been initially estimated to be \$2,200 per biennium.

### **Summary of Performance Measure Action**

See attached Legislatively Adopted 2023-25 Key Performance Measures form.

## DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Commission on Judicial Fitness and Disability  
Wendy Gibson -- 971-900-9992

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2021-23 Legislatively Approved Budget at Jan 2023 *	\$ 330,499	\$ -	\$ -	\$ -	\$ -	\$ -	330,499	1	0.50
2023-25 Current Service Level (CSL)*	\$ 313,096	\$ -	\$ -	\$ -	\$ -	\$ -	313,096	1	0.50
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>									
<b>SCR 100 - Administration</b>									
Package 101: Case Management System Services and Supplies	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	20,000		
TOTAL ADJUSTMENTS	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	20,000	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 333,096	\$ -	\$ -	\$ -	\$ -	\$ -	333,096	1	0.50
% Change from 2021-23 Leg Approved Budget	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.8%	0.0%	0.0%
% Change from 2023-25 Current Service Level	6.4%	0.0%	0.0%	0.0%	0.0%	0.0%	6.4%	0.0%	0.0%

\*Excludes Capital Construction Expenditures

# Legislatively Approved 2023 - 2025 Key Performance Measures

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**Agency:** Commission on Judicial Fitness and Disability

**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 2024	Target 2025
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
6. Percent of complaints upon which the Commission makes a decision within six months of when the complaint is received in the Commission office. - Measures the timely review of complaints. The target is set at 75% with the recognition that most complaints should be investigated and completed within this timeframe, but that some types of cases, including those resulting in complex investigations and prosecutions will take longer to resolve appropriately.		Approved		75%	75%

**LFO Recommendation:**

The Legislative Fiscal Office recommends approval of the Commission's 2023-25 Key Performance Measures and targets, including the Commission-proposed KPM #6, as a new timeliness measure.

**SubCommittee Action:**

The Public Safety Subcommittee approved the Legislative Fiscal Office recommendations