

HB 5013 A BUDGET REPORT and MEASURE SUMMARY

Carrier: Rep. Evans

Joint Committee On Ways and Means

Action Date: 05/23/25

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

House Vote

Yeas: 11 - Bowman, Breese-Iverson, Cate, Drazan, Evans, Gomberg, Levy E, Ruiz, Sanchez, Smith G, Valderrama

Exc: 1 - Owens

Senate Vote

Yeas: 10 - Anderson, Bonham, Broadman, Campos, Frederick, Lieber, Manning Jr, McLane, Smith DB, Sollman

Exc: 1 - Girod

Prepared By: Kendra Beck, Department of Administrative Services

Reviewed By: John Borden, Legislative Fiscal Office

Commission on Judicial Fitness and Disability

2025-27

Budget Summary*

	2023-25 Legislatively Approved Budget ⁽¹⁾	2025-27 Current Service Level	2025-27 Committee Recommendation	Committee Change from 2023-25 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 426,660	\$ 393,639	\$ 642,144	\$ 215,484	50.5%
Total	\$ 426,660	\$ 393,639	\$ 642,144	\$ 215,484	50.5%

Position Summary

Authorized Positions	1	1	1	0
Full-time Equivalent (FTE) positions	0.50	0.50	1.00	0.50

⁽¹⁾ Includes adjustments through January 2025

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Commission on Judicial Fitness and Disability is funded by General Fund. By statute, the Commission is allowed to retain any unexpended General Fund appropriation for the biennium (ORS 293.195). The Commission's 2025-27 budget will be adjusted during the 2026 Legislative Session to reflect any 2023-25 biennium unexpended General Fund carryforward.

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. As a constitutionally separate branch of government, the Commission operates independent of the Governor and the executive branch of government and also generally operates independently within the judicial branch of government.

The Commission's jurisdiction extends to approximately 452 judges, including: justices of the peace (32), circuit court judges (182), appellate court judges (20), a Tax Court Judge (1), Tax Court Magistrates (3), temporary or pro tem judges (\pm 120), judicial referees (\pm 39), and senior or "Plan B" semi-retired judges (\pm 55). The Commission does not have jurisdiction over municipal court judges, arbitrators, administrative law judges, or federal judges.

The basis for the 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 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 complaints involve a judge's legal determination and, after an 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 two areas: routine operational costs and extraordinary costs. The routine operating budget pays for an 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.

There has been an increasing trend in initial complaint filings as well as the number of Commission investigations being initiated; however, there has been no resulting increase in the number of prosecutions. These trends are increasing the amount of staff time needed to review initial complaints and undertake investigations. The number of outside investigations, formal charges, and stipulated agreements have experienced a marginal increase.

The Public Safety Subcommittee recommended a 2025-27 biennium budget of \$642,144 General Fund and one full-time permanent position (1.00 FTE). This represents a 50.5% increase from the 2023-25 legislatively approved budget, and a 63.1% increase from the current service level. Funding in the amount of \$23,324 is included for extraordinary expenses. The Subcommittee recommended the following package:

Package 100: Executive Director FTE Increase. This package appropriates \$248,505 General Fund and authorizes a change to the executive director position from a permanent part-time (0.50 FTE) to a permanent full-time position (1.00 FTE).

Summary of Performance Measure Action

See attached Legislatively Adopted 2025-27 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Commission on Judicial Fitness and Disability
Kendra Beck - 503-400-4747

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2023-25 Legislatively Approved Budget at Jan 2025 *	\$ 426,660	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 426,660	1	0.50
2025-27 Current Service Level (CSL)*	\$ 393,639	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 393,639	1	0.50
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>									
SCR 100 - Administration									
Package 100: Executive Director FTE Increase									
Personal Services	\$ 248,505	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 248,505	0	0.50
TOTAL ADJUSTMENTS	\$ 248,505	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 248,505	0	0.50
SUBCOMMITTEE RECOMMENDATION *	\$ 642,144	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 642,144	1	1.00
% Change from 2023-25 Leg Approved Budget	50.5%	0.0%	0.0%	0.0%	0.0%	0.0%	50.5%	0.0%	100.0%
% Change from 2025-27 Current Service Level	63.1%	0.0%	0.0%	0.0%	0.0%	0.0%	63.1%	0.0%	100.0%

*Excludes Capital Construction Expenditures

Legislatively Approved 2025 - 2027 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 2026	Target 2027
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%	100%	100%
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	97%	95%	95%

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the Commission's 2025-27 Key Performance Measures and targets.

SubCommittee Action:

The Public Safety Subcommittee approved the Commission's 2025-27 Key Performance Measures and targets.