

Analysis
Commission on Judicial Fitness and Disability
Extraordinary Expenses

Analyst: Steve Bender

Request: Increase the General Fund appropriation for extraordinary expenses by \$172,000.

Recommendation: Approve the request for inclusion in the 2016 session budget reconciliation bill.

Analysis: The Commission on Judicial Fitness and Disability (CJFD) investigates and acts upon complaints of judicial misconduct or disability. The Commission is requesting an additional \$172,000 General Fund to cover existing and future expenses associated with investigations and actions on judicial complaints.

The 2015-17 biennium legislatively adopted budget includes two General Fund appropriations to support CJFD functions: an appropriation to cover the regular, ongoing costs of operating the commission and reviewing complaints; and a separate appropriation for extraordinary expenses associated with formal investigations and prosecutions. The Commission has no control over the number of valid complaints it receives. Because the number of formal investigations and prosecutions, and their associated costs, are difficult to project, the agency budget includes only a modest appropriation to cover expenses incurred with an understanding that the CJFD will request additional funding if its caseload so requires.

The 2015-17 biennium budget, including prior biennium carryforward moneys, provides a total of \$17,753 for extraordinary expenses. Two formal proceedings that were initiated last biennium, however, have continued generating costs in the current biennium. CJFD reports that its biennium billings to date for extraordinary expenses total \$168,583, and that an additional \$20,000 in costs are expected. The Commission is requesting an additional \$172,000 to fund completion of both cases.

The appropriated funds would be restricted to payment of extraordinary expenses. The agency will need to return later in the biennium for additional funding if the costs of completing the two current cases exceed projection, or if the Commission approves any additional cases for formal investigation. If the full appropriation is not needed, remaining funds would be available to cover extraordinary expenses in the 2017-19 biennium.

The Legislative Fiscal Office (LFO) recommends approval of the request. The funding increase approved by this action would be approved on a one-time basis, and would be phased out in the development of the agency's 2017-19 biennium current service level budget.