

**74th OREGON LEGISLATIVE ASSEMBLY – 2007 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: HB 2331-B

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Shields
Carrier – Senate: Sen. Brown**

Action: Do Pass the A-Engrossed Measure as Amended and Be Printed B-Engrossed

Vote: 16 – 2 – 3

House – Yeas: D. Edwards, Galizio, Garrard, Jenson, Nathanson, Nolan, Shields

– Nays: Hanna, Morgan

– Exc:

Senate – Yeas: Bates, Devlin, Johnson, Morse, Nelson, Schrader, Verger, Westlund, Whitsett

– Nays:

– Exc: Carter, Gordly, Winters

Prepared By: Kelly Freels, Department of Administrative Services

Reviewed By: Robin LaMonte, Legislative Fiscal Office

Meeting Date: 6/21/07

Agency

Legislative Administration
Emergency Fund

Budget Page

LFO Analysis Page

Biennium

2007-09

Senators: Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson,
Schrader, Verger, Westlund, Whitsett, Winters

Senator Kurt Schrader, Co-Chair

Representatives: D. Edwards, Galizio, Garrard, Hanna, Jenson,
Morgan, Nathanson, Nolan, Shields

Representative Mary Nolan, Co-Chair

Representative Chip Shields, Public Safety Subcommittee Chair

Budget Summary*

	2005-07		2007-09		Percentage Committee Change from Governor's Budget
	Legislatively Approved Budget (1)	Governor's Budget	Committee Recommendation	Difference from Governor's Budget	
<u>Legislative Administration</u>					
General Fund	\$ 0	\$ 0	\$ 750,000	\$ +750,000	+100.0%
<u>Emergency Fund</u>					
Special Purpose Appropriation General Fund	\$ 0	\$ 0	\$ 600,000	\$ +600,000	+100.0%

Position Summary

Authorized Positions	0	0	0	0
Full-time Equivalent (FTE) Positions	0.00	0.00	0.00	0.00

(1) Includes adjustments through the December 2006 meeting of the Emergency Board

* Excludes Capital Construction expenditures

Summary of Revenue Changes

House Bill 2331 makes a number of changes to the Oregon Judicial Department's fee structure. It makes the following permanent changes to fees:

- Increases filing fees to equalize plaintiff and responded fees;
- Increases fees for writs of garnishments by \$5, to \$12;
- Equalizes the prevailing party fees at \$85 when judgment is given with or without trial;
- Enables the Chief Justice to establish a fee \$50 plaintiff fee and a \$35 respondent fee for filing a motion and a response; and
- Doubles the collections payment plan fee, from a minimum of \$25 to \$50, and a maximum of \$50 to \$100.

These changes are effective September 1, 2007

It also creates a temporary filing fee surcharge for the period of September 1, 2007 to June 30, 2009 to fund the cost of evaluating court facilities.

In addition, House Bill 2331 reduces the law library fees from 33 percent of the filing fee to 28 percent of the filing fee. The Judicial Department estimates no net reduction in the total funds provided to law libraries, due to the filing fee increases, and base fee increases that occurred on January 1, 2007.

It also reduces the dispute resolution surcharge by approximately \$702,891 effective July 1, 2009 and increases the legal aid fees effective July 1, 2009, which will generate approximately \$791,825. These actions mean that there is essentially no change in the total fees.

Summary of Subcommittee Action

House Bill 2331 established an Interim Committee on Court Facilities with the Legislative Branch, which will report on standards for reasonable and sufficient court facilities, the cost of meeting those standards, and a proposal for ensuring that needed improvements to court facilities are made. The estimated cost of the committee including a study is \$1.2 million. The Subcommittee approved \$600,000 General Fund to Legislative Administration, and established a special purpose appropriation of \$600,000 be made to the Emergency Fund to fully fund the cost. The Department of Administrative Services is expected to provide technical support to the committee.

House Bill 2331 also established an Interim Committee on Court Technology, to evaluate the technology transition plan of the Judicial Department and to make recommendations on the strategic plan, deliverables under the plan, costs of the plan, funding of the plan, and oversight of the technology initiatives of the Judicial Department. The Subcommittee approved \$150,000 General Fund for the costs of this committee. The Department of Administrative Services is expected to provide technical support to the committee.

The Subcommittee expects that the end of session omnibus appropriation bill will include a one-time General Fund appropriation to the Judicial Department of \$700,000 for a grant to the Oregon State Bar to fund increased costs for legal aid during the 2007-09 biennium. These costs will be paid out of fee increases in future biennia.

The Subcommittee had concerns about the method used to raise revenue to support the law library and the expenditure of those funds and directed the following budget note.

Budget Note:

The Interim Judiciary Committee or Committees will study and make recommendations to 75th Oregon Legislative Assembly on the law library fees and the manner in which amounts generated by these fees are expended.

Summary of Performance Measure Action

None.