

**REVENUE: Revenue statement issued**

**FISCAL: May have fiscal impact, statement not yet issued**

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| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed and Refer to the Committee on Ways and Means |
| <b>Vote:</b>          | 8 - 0 - 1  |
| <b>Yeas:</b>          | Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson                     |
| <b>Nays:</b>          | 0  |
| <b>Exc.:</b>          | Barker   |
| <b>Prepared By:</b>   | Bill Taylor, Counsel   |
| <b>Meeting Dates:</b> | 4/27   |

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**WHAT THE MEASURE DOES:** Increases court filing fees in civil matters earmarked for legal services for matters filed with the court after July 1, 2007 and before July 1, 2008 and the again after July 1, 2008 and thereafter as follows: (1) \$9.50 to \$11.50 and then \$13 for small claims matters if the amount of the value claimed does not exceed \$1,500; (2) \$12 and then \$16 if the amount or value claimed in small claims exceeds \$1,500; (3) \$27.50 and then \$55 if the suit is for more than \$10,000 and \$ 37.50 and then \$45 if the suit is for less than \$10,000; (4) \$41.50 and then \$83 for a probate petition where the estate is more than \$100,000 and less than \$500,00; (5) \$47.50 and then \$95 if the estate is \$500,000 or more and less than \$1 million; (6) \$53 and then \$106 if the estate is more than \$1 million; (7) \$50.00 and then \$100 when filing a petition in court seeking arbitration or challenging arbitration; (8) \$6 and then \$11 from a petitioner and \$3 and then \$6 from each defendant or respondent in a filing of a case of original jurisdiction in the Oregon Supreme Court.

Creates the Court Facilities Planning Commission consisting of 16 members appointed as follows: (1) Four by the Governor; (2) One Senate Democrat and one Senate Republican by the Senate President; (3) One House Republican and one House Democrat by the Speaker of the House; (4) Two by the Chief Justice of the Oregon Supreme Court; (5) Four by the Association of Oregon Counties; and (5) Two by the Oregon State Bar. Requires the commission to study court facilities and allows it to make recommendations on the minimum standards for suitable and sufficient state court facilities to be built or renovated with state financial assistance. Develops criteria for prioritizing courthouse improvement projects. Eliminates the Court Facilities Planning Commission on January 2, 2010.

Places a surcharge of certain specified court filing fees for the purposes of funding the Court Facilities Planning Commission that will run from July 1, 2007 to June 30, 2009 as follows: (1) \$4 from every plaintiff in a civil proceedings; (2) \$3 from every defendant in a civil proceeding; (3) \$5 from petitioners in civil proceeding and \$3 from respondents; (4) \$3 when filing a motion for modification of divorce matter; (5) \$2 for adoption petitions and \$1 upon those who object; (6) \$2 for a petition to change one name and \$1 to object; (7) \$2 for any party in an adoption or name changing proceeding from the party seeking the adoption or name change; (8) \$4 from the plaintiff in a nonjury trial for each day of the trial; (9) \$10 from the plaintiff in a jury trial for each day of the trial; (9) \$2 if the hearing is not more than three hours and \$4 if the hearing is more than three hours; (10) Probate proceedings where the estate value is: (a) not more than \$10,000 - \$1; (b) More than \$10,000 and not more than \$25,000 - \$4; (c) More than \$25,000 and not more than \$50,000 - \$8; (d) More than \$50 and not more than \$100,000 - \$12; (e) More than \$100,000 and not more than \$500,000 - \$15; (f) More than \$500,000 and not more than \$1,00,000 - \$19; (f) More than \$1,000,000 - \$23; (11) \$1 for initial guardianship filing; (12) \$1 for filing an answer, motion, or objection in probate proceeding or protective proceeding; (13) \$2 in probate proceeding on the party having to prove the matter; (14) \$2 for filing a copy of a judgment from another state; (14) \$1 for filing a petition for a writ of habeas corpus; (14) \$2 for application to set aside a prior court decision and \$1 for the party answering; (15) \$1 filing an arbitration award or for enforcement of such an award; (16) \$1 for an application for judicial relief from an arbitration award or decision; (17) \$2 for confirmation of an arbitration award and \$1 to object; (18) For small claims; (a) \$1 if the claim does not exceed \$1,500; (b) \$3 if the claim exceeds \$1,500; (c) \$1 if the defendant demands a hearing and the amount does not exceed \$1,500; (d) \$2 if the defendant demand a hearing and the amount exceeds \$1,500; (19) \$ 1 for filing a complaint in a landlord-tenant matter; (20) \$2 in an action to recover real property; (21) \$3 for motion seeking enforcement of parent time; (22) \$1 for filing affidavit for small estate; (23) \$1 for petition to destroy will; (24) \$3 for filing of an agreement relating to an irrevocable

trust and \$2 for filing an objection; (25) \$ 1 post conviction relief petition; (26) \$5 for filing of a petition for relief against a prohibition against purchasing firearms; (27) \$4 for application for emancipation. Effective upon passage.

**ISSUES DISCUSSED:**

- Condition of court facilities
- Opening of legal aid office in Klamath Falls

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the bill.

**BACKGROUND:** Oregon assists nonprofit legal aid programs through a filing fee surcharge on court filing fees in civil law matters.

Many of Oregon's courthouses are in serious condition of disrepair. ORS 1.185 requires counties to provide suitable and sufficient courtrooms, offices, and jury rooms for the court, the judges, other officers and employees of the court and juries in attendance upon the court, and provide maintenance and utilities for those courtrooms, offices and jury rooms. In many instances, the cost of repair, refurbishing or rebuilding runs into many millions of dollars. Many of Oregon's counties do not have the financial ability to meet these obligations.