

A-Engrossed
House Bill 2331

Ordered by the House May 9
Including House Amendments dated May 9

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Repeals obsolete provision relating to jury trials in county courts.]

Increases legal aid filing fees for certain court filings. Establishes legal aid filing fees for certain court filings.

Creates Court Facilities Planning Commission to study and make recommendations on minimum standards for suitable and sufficient state court facilities to be constructed or renovated with state financial assistance.

Imposes surcharges on specified court filing fees. Appropriates funds collected under surcharges to State Court Administrator to be used only for purposes of paying costs of Court Facilities Planning Commission.

A BILL FOR AN ACT

Relating to courts; creating new provisions; amending ORS 9.574, 21.480, 283.085, 401.300 and 461.540; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

LEGAL AID FEES

SECTION 1. ORS 21.480 is amended to read:

21.480. (1) In all counties wherein legal representation is provided for the poor without fee by a nonprofit legal aid program operating under the Legal Services Program established pursuant to ORS 9.572, the clerk of the circuit court shall collect the fees provided for in subsection (2) of this section to assist in defraying the operating costs of the legal aid program and to fund mediation programs offered through the State Department of Agriculture. The fees provided for in subsection (2) of this section are in addition to all other fees collected by the clerk of the court and shall be collected by the clerk in the same manner that other fees are collected by the clerk.

(2) The clerk shall collect the following fees from the plaintiff or other moving party in each civil suit, action or proceeding in the circuit court when the plaintiff or party files the first paper in the suit, action or proceeding, and from a defendant or respondent when the defendant or respondent files an appearance in the suit, action or proceeding:

(a) *[\$9.50]* **\$11.50**, for filings in the small claims department of a circuit court **if the amount or value claimed does not exceed \$1,500, and \$12 if the amount or value claimed exceeds \$1,500.**

(b) \$18, upon the filing of a complaint that is subject to the filing fee established under ORS

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 105.130 (2). If the defendant demands a trial, the clerk shall collect a fee of \$38 from the defendant,
2 and an additional fee of \$21 from the plaintiff. In no event shall the plaintiff in an action subject to
3 the filing fee established under ORS 105.130 be required to pay a total fee of more than \$39 under
4 the provisions of this subsection.

5 (c) \$33, if the action, suit or proceeding is subject to the filing fees established by ORS 21.111.

6 **(d) \$27.50, if the action, suit or proceeding is subject to the filing fees established by ORS**
7 **21.110 (1).**

8 [(d)] (e) [~~\$30~~] **\$37.50**, if the action, suit or proceeding is subject to the filing fees established by
9 ORS 21.110 (2).

10 **(f)(A) \$41.50, upon the filing of a petition in a probate proceeding that is subject to the**
11 **fees provided in ORS 21.310 and in which the amount of the estate is more than \$100,000 and**
12 **less than \$500,000.**

13 **(B) \$47.50, upon the filing of a petition in a probate proceeding that is subject to the fees**
14 **provided in ORS 21.310 and in which the amount of the estate is \$500,000 or more and less**
15 **than \$1 million.**

16 **(C) \$53, upon the filing of a petition in a probate proceeding that is subject to the fees**
17 **provided in ORS 21.310 and in which the amount of the estate is \$1 million or more.**

18 **(g) \$50, for petitions subject to the filing fee established under ORS 36.615.**

19 [(e)] (h) \$38, for any other filings in a circuit court not specifically provided for in this sub-
20 section, including all [*probate proceedings, protective proceedings under ORS chapter 125,*] adoption
21 proceedings and change of name proceedings.

22 (3) In addition to the fees provided for in ORS 21.010, the State Court Administrator shall collect
23 a fee of [~~\$55~~] **\$69** from an appellant or petitioner whenever a filing fee is collected under ORS 21.010
24 and a fee of [~~\$15~~] **\$32** from each respondent whenever an appearance fee is collected under ORS
25 21.010.

26 **(4) In addition to the fees provided for in ORS 21.040, the State Court Administrator shall**
27 **collect a fee of \$6 from a petitioner whenever a filing fee is collected under ORS 21.040 and**
28 **a fee of \$3 from each defendant or respondent whenever an appearance fee is collected under**
29 **ORS 21.040.**

30 [(4)] (5) All fees collected by the clerk under this section shall be deposited with the State Court
31 Administrator. All fees collected under this section shall be distributed in the manner provided by
32 ORS 9.574.

33 [(5)] (6) Ten percent of the funds deposited with the State Court Administrator under this sec-
34 tion shall be transferred by the State Court Administrator on a monthly basis to the State Depart-
35 ment of Agriculture, until such time as the amount specified under subsection [(6)] (7) of this section
36 has been transferred to the State Department of Agriculture for the biennium. Moneys transferred
37 to the State Department of Agriculture under this section are continuously appropriated to the de-
38 partment and may be used by the department only for the purpose of funding mediation programs
39 established by the department. Moneys appropriated to the department under this subsection may
40 not be used by the department to fund the costs of conducting individual farm credit mediations.
41 The department shall consult with the director of the Mark O. Hatfield School of Government in
42 establishing and operating mediation programs funded under this subsection.

43 [(6)] (7) The amount transferred by the State Court Administrator to the State Department of
44 Agriculture under subsection [(5)] (6) of this section may not exceed \$150,000 in any biennium.

45 **SECTION 2. The amendments to ORS 21.480 by section 1 of this 2007 Act apply to court**

1 **filings made on or after July 1, 2007.**

2 **SECTION 3.** ORS 21.480, as amended by section 1 of this 2007 Act, is amended to read:

3 21.480. (1) In all counties wherein legal representation is provided for the poor without fee by
4 a nonprofit legal aid program operating under the Legal Services Program established pursuant to
5 ORS 9.572, the clerk of the circuit court shall collect the fees provided for in subsection (2) of this
6 section to assist in defraying the operating costs of the legal aid program and to fund mediation
7 programs offered through the State Department of Agriculture. The fees provided for in subsection
8 (2) of this section are in addition to all other fees collected by the clerk of the court and shall be
9 collected by the clerk in the same manner that other fees are collected by the clerk.

10 (2) The clerk shall collect the following fees from the plaintiff or other moving party in each
11 civil suit, action or proceeding in the circuit court when the plaintiff or party files the first paper
12 in the suit, action or proceeding, and from a defendant or respondent when the defendant or re-
13 spondent files an appearance in the suit, action or proceeding:

14 (a) [~~\$11.50~~] **\$13**, for filings in the small claims department of a circuit court if the amount or
15 value claimed does not exceed \$1,500, and [~~\$12~~] **\$16** if the amount or value claimed exceeds \$1,500.

16 (b) \$18, upon the filing of a complaint that is subject to the filing fee established under ORS
17 105.130 (2). If the defendant demands a trial, the clerk shall collect a fee of \$38 from the defendant,
18 and an additional fee of \$21 from the plaintiff. In no event shall the plaintiff in an action subject to
19 the filing fee established under ORS 105.130 be required to pay a total fee of more than \$39 under
20 the provisions of this subsection.

21 (c) \$33, if the action, suit or proceeding is subject to the filing fees established by ORS 21.111.

22 (d) [~~\$27.50~~] **\$55**, if the action, suit or proceeding is subject to the filing fees established by ORS
23 21.110 (1).

24 (e) [~~\$37.50~~] **\$45**, if the action, suit or proceeding is subject to the filing fees established by ORS
25 21.110 (2).

26 (f)(A) [~~\$41.50~~] **\$83**, upon the filing of a petition in a probate proceeding that is subject to the fees
27 provided in ORS 21.310 and in which the amount of the estate is more than \$100,000 and less than
28 \$500,000.

29 (B) [~~\$47.50~~] **\$95**, upon the filing of a petition in a probate proceeding that is subject to the fees
30 provided in ORS 21.310 and in which the amount of the estate is \$500,000 or more and less than \$1
31 million.

32 (C) [~~\$53~~] **\$106**, upon the filing of a petition in a probate proceeding that is subject to the fees
33 provided in ORS 21.310 and in which the amount of the estate is \$1 million or more.

34 (g) [~~\$50~~] **\$100**, for petitions subject to the filing fee established under ORS 36.615.

35 (h) \$38, for any other filings in a circuit court not specifically provided for in this subsection,
36 including all adoption proceedings and change of name proceedings.

37 (3) In addition to the fees provided for in ORS 21.010, the State Court Administrator shall collect
38 a fee of [~~\$69~~] **\$83.50** from an appellant or petitioner whenever a filing fee is collected under ORS
39 21.010 and a fee of [~~\$32~~] **\$48.50** from each respondent whenever an appearance fee is collected under
40 ORS 21.010.

41 (4) In addition to the fees provided for in ORS 21.040, the State Court Administrator shall collect
42 a fee of [~~\$6~~] **\$11** from a petitioner whenever a filing fee is collected under ORS 21.040 and a fee of
43 [~~\$3~~] **\$6** from each defendant or respondent whenever an appearance fee is collected under ORS
44 21.040.

45 (5) All fees collected by the clerk under this section shall be deposited with the State Court

1 Administrator. All fees collected under this section shall be distributed in the manner provided by
2 ORS 9.574.

3 (6) Ten percent of the funds deposited with the State Court Administrator under this section
4 shall be transferred by the State Court Administrator on a monthly basis to the State Department
5 of Agriculture, until such time as the amount specified under subsection (7) of this section has been
6 transferred to the State Department of Agriculture for the biennium. Moneys transferred to the
7 State Department of Agriculture under this section are continuously appropriated to the department
8 and may be used by the department only for the purpose of funding mediation programs established
9 by the department. Moneys appropriated to the department under this subsection may not be used
10 by the department to fund the costs of conducting individual farm credit mediations. The depart-
11 ment shall consult with the director of the Mark O. Hatfield School of Government in establishing
12 and operating mediation programs funded under this subsection.

13 (7) The amount transferred by the State Court Administrator to the State Department of Agri-
14 culture under subsection (6) of this section may not exceed \$150,000 in any biennium.

15 **SECTION 4. The amendments to ORS 21.480 by section 3 of this 2007 Act apply to court**
16 **filings made on or after July 1, 2008.**

17
18 **COURT FACILITIES PLANNING COMMISSION**
19

20 **SECTION 5. (1) A Court Facilities Planning Commission is created. The commission**
21 **consists of 16 members to be appointed as follows:**

22 (a) **The Governor shall appoint four members, of which at least three must be represen-**
23 **tatives of businesses.**

24 (b) **The President of the Senate shall appoint two members who are Senators at the time**
25 **of appointment and who are not from the same political party. The Speaker of the House of**
26 **Representatives shall appoint two members who are Representatives at the time of appoint-**
27 **ment and who are not from the same political party. A member appointed under this para-**
28 **graph ceases to be a member of the commission upon ceasing to be a member of the**
29 **Legislative Assembly.**

30 (c) **The Chief Justice of the Supreme Court shall appoint two members.**

31 (d) **The Association of Oregon Counties shall appoint four members.**

32 (e) **The Board of Governors of the Oregon State Bar shall appoint two members.**

33 (2) **The commission shall first meet not later than September 1, 2007.**

34 (3) **The commission shall elect one of its members to serve as chairperson and one**
35 **member to serve as vice chairperson, to perform such functions as the commission may**
36 **prescribe.**

37 (4) **Legislative members of the commission are entitled to payment of compensation and**
38 **expense reimbursement under ORS 171.072, payable from funds appropriated to the Legisla-**
39 **tive Assembly.**

40 (5) **The Oregon Department of Administrative Services shall provide staff support and**
41 **administrative services as needed by the commission.**

42 (6) **The commission may accept contributions of funds and assistance from the United**
43 **States Government or its agencies or from any other source, public or private, and agree to**
44 **conditions thereon not inconsistent with the purposes of the commission. All such funds are**
45 **to aid in financing the functions of the commission and shall be deposited in the General**

1 Fund of the State Treasury to the credit of separate accounts for the commission and shall
2 be disbursed for the purpose for which contributed in the same manner as funds appropriated
3 for the commission.

4 **SECTION 6.** (1) The Court Facilities Planning Commission created under section 5 of this
5 2007 Act shall study and make recommendations on minimum standards for suitable and
6 sufficient state court facilities to be constructed or renovated with state financial assistance.
7 In developing recommendations, the commission shall consider the financial circumstances
8 of the community in which the state court facilities are located and the physical condition
9 of other facilities in the building in which the state court facilities are located. Each county
10 and each circuit court trial court administrator shall cooperate with the commission in as-
11 ssuming the physical condition of state court facilities in the county and in identifying the
12 costs of complying with the recommended minimum standards.

13 (2) The commission shall study and make recommendations on criteria for prioritizing
14 proposals for improvements to state court facilities.

15 (3) The commission shall prepare a detailed assessment of the costs of implementing
16 changes in state court facilities in order to comply with the commission's recommendations
17 on minimum standards for suitable and sufficient state court facilities. The assessment shall
18 address both current and future courtroom needs in state court facilities. The assessment
19 shall include recommendations on the cost-effectiveness of using new judicial facilities in
20 some judicial districts in lieu of existing court facilities.

21 (4) The commission shall make recommendations on establishing a permanent state court
22 facilities commission with authority to allocate funds to court facility improvement projects,
23 make legislative recommendations on court facility improvements and perform such other
24 functions as may be appropriate for the continued maintenance of state court facilities.

25 **SECTION 7.** The Court Facilities Planning Commission shall report to the Seventy-fifth
26 Legislative Assembly in the manner provided by ORS 192.245. The report shall contain all
27 findings and recommendations made by the commission under section 6 of this 2007 Act.

28 **SECTION 8.** Sections 5, 6 and 7 of this 2007 Act are repealed January 2, 2010.
29

30 FILING FEE SURCHARGES

31
32 **SECTION 9.** (1)(a) In addition to the fees provided for in ORS 21.110 (1), for the period
33 commencing July 1, 2007, and ending June 30, 2009, at the time of filing in the circuit court
34 of any civil action, suit or proceeding, including appeals, the clerk of the circuit court shall
35 collect from the plaintiff, appellant or moving party a surcharge of \$5. In addition, at the
36 time of filing any appearance in any such action, suit or proceeding upon the part of any
37 defendant or respondent appearing separately, or upon the part of defendants or respondents
38 appearing jointly, the clerk shall collect from the party or parties a surcharge of \$4.

39 (b) In addition to the fees provided for in ORS 21.110 (2), for the period commencing July
40 1, 2007, and ending June 30, 2009, the clerk of the circuit court shall collect a surcharge of
41 \$3 from the plaintiff, appellant or moving party, and shall collect a surcharge of \$3 from any
42 defendant or respondent appearing separately, or upon the part of defendants or respondents
43 appearing jointly, in the actions described in ORS 21.110 (2).

44 (2)(a) In addition to the fees provided for in ORS 21.111 (1), for the period commencing
45 July 1, 2007, and ending June 30, 2009, in the proceedings specified in ORS 21.111 (2) the clerk

1 of the circuit court shall collect a surcharge of \$5 from the petitioner at the time the petition
2 is filed, and shall collect a surcharge of \$3 from the respondent upon the respondent making
3 an appearance.

4 (b) In addition to the fees provided for in ORS 21.111 (3), for the period commencing July
5 1, 2007, and ending June 30, 2009, the clerk of the circuit court shall collect from the moving
6 party a surcharge of \$3 at the time of the filing of a motion for the modification of a decree
7 of marital annulment, dissolution or separation, if the motion is filed more than one year
8 after the entry of the decree in the register of the court.

9 (3) In addition to the fees provided for ORS 21.114 (1), for the period commencing July
10 1, 2007, and ending June 30, 2009, the clerk of the court shall charge and collect:

11 (a) In an adoption proceeding, a surcharge of \$2 from the party filing the petition for
12 adoption, and a surcharge of \$1 from an objecting party appearing separately or objecting
13 parties appearing jointly.

14 (b) In a change of name proceeding, a surcharge of \$2 from the party filing the applica-
15 tion for change of name, and a surcharge of \$1 from an objecting party appearing separately
16 or objecting parties appearing jointly.

17 (4) In addition to the fee provided for in ORS 21.114 (3), for the period commencing July
18 1, 2007, and ending June 30, 2009, in any adoption or change of name proceeding in a court
19 having jurisdiction, the clerk of the court shall charge and collect in advance from the party
20 having the affirmative of the issue, at the time the proceeding comes on for trial or hearing
21 upon the issues of fact or law involved therein, a surcharge of \$2.

22 (5)(a) In addition to the trial fee provided for in ORS 21.270 (2), for the period commencing
23 July 1, 2007, and ending June 30, 2009, the clerk of the circuit court shall collect from the
24 plaintiff, appellant or moving party, for a trial on the merits without a jury, a surcharge on
25 the trial fee of \$4 for each full or partial day of the trial.

26 (b) In addition to the jury trial fee provided for in ORS 21.270 (3), for the period com-
27 mencing July 1, 2007, and ending June 30, 2009, the clerk shall collect from the plaintiff or
28 appellant, for a trial by a jury of more than six persons, a surcharge on the jury trial fee
29 of \$10 for each full or partial day of the trial. The clerk shall collect from the plaintiff or
30 appellant, for a trial by a jury of six persons, a surcharge on the jury trial fee of \$6 for each
31 full or partial day of the trial.

32 (6) In addition to the hearing fee provided for in ORS 21.275 (3), for the period com-
33 mencing July 1, 2007, and ending June 30, 2009, the clerk of the circuit court shall collect a
34 surcharge on the hearing fee of \$2 if the hearing period is not more than three hours or \$4
35 if the hearing period is more than three hours.

36 (7)(a) In addition to the fees provided for in ORS 21.310 (1), for the period commencing
37 July 1, 2007, and ending June 30, 2009, the clerk of the court shall charge and collect the
38 following surcharges for the filing of the initial papers in any probate proceeding, including
39 petitions for the appointment of personal representatives, probate of wills and contest of
40 wills, or in any conservatorship proceeding:

41
42
43 Where the amount of the estate is:

44 1. Not more than \$10,000 - a surcharge of \$1.

45 2. More than \$10,000 and not more than \$25,000 - a surcharge of \$4.

- 1 **3. More than \$25,000 and not more than \$50,000 - a surcharge of \$8.**
 - 2 **4. More than \$50,000 and not more than \$100,000 - a surcharge of \$12.**
 - 3 **5. More than \$100,000 and not more than \$500,000 - a surcharge of \$15.**
 - 4 **6. More than \$500,000 and not more than \$1,000,000 - a surcharge of \$19.**
 - 5 **7. More than \$1,000,000 - a surcharge of \$23.**
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8 **(b) In addition to the fee provided for in ORS 21.310 (3), for the period commencing July**
9 **1, 2007, and ending June 30, 2009, the clerk shall charge and collect a surcharge of \$1 for the**
10 **filing of the initial papers in any guardianship proceeding.**

11 **(c) In addition to the fee provided for in ORS 21.310 (5), for the period commencing July**
12 **1, 2007, and ending June 30, 2009, at the time of filing any answer, motion or objection in a**
13 **probate proceeding or protective proceeding under ORS chapter 125, the party filing the an-**
14 **swer, motion or objection shall pay a surcharge of \$1 to the clerk.**

15 **(d) In addition to the fee provided for in ORS 21.310 (7), for the period commencing July**
16 **1, 2007, and ending June 30, 2009, the clerk shall charge and collect in advance from the party**
17 **having the affirmative of the issue, at the time the proceeding comes on for trial or hearing**
18 **upon the issues of fact or law involved therein, a surcharge on the trial or hearing fee of \$2.**

19 **(8) In addition to the fees provided for in ORS 21.325 (3), for the period commencing July**
20 **1, 2007, and ending June 30, 2009, the clerk of the court shall charge and collect in advance**
21 **a surcharge of \$2 for the filing of a copy of foreign judgment and affidavit filed as provided**
22 **in ORS 24.115 and 24.125 or the filing of a copy of child custody determination of another**
23 **state filed as provided in ORS 109.787.**

24 **(9) In addition to the fee provided for in ORS 34.340, for the period commencing July 1,**
25 **2007, and ending June 30, 2009, the clerk of the court shall collect a surcharge of \$1 upon the**
26 **filing of a petition for a writ of habeas corpus.**

27 **(10) In addition to the fees provided for in ORS 36.520 (5), for the period commencing July**
28 **1, 2007, and ending June 30, 2009, the clerk of the circuit court shall collect from the party**
29 **making application for setting aside under ORS 36.520 (1) a surcharge of \$2 and from a party**
30 **filing an appearance in opposition to the application a surcharge of \$1.**

31 **(11) In addition to the fees provided for in ORS 36.522 (3), for the period commencing July**
32 **1, 2007, and ending June 30, 2009, the clerk of the circuit court shall charge and collect a**
33 **surcharge of \$1 for the filing of an arbitral award or application for enforcement of an**
34 **arbitral award under ORS 36.522.**

35 **(12) In addition to the fees provided for in ORS 36.524 (1), for the period commencing July**
36 **1, 2007, and ending June 30, 2009, the clerk of the circuit court shall charge and collect a**
37 **surcharge of \$1 for the filing under ORS 36.524 (1).**

38 **(13) In addition to the fee provided for in ORS 36.615 (1)(b), for the period commencing**
39 **July 1, 2007, and ending June 30, 2009, the clerk of the circuit court shall charge and collect**
40 **a surcharge of \$2 upon the filing of a petition to seek confirmation, vacation, modification**
41 **or correction of an award under ORS 36.700, 36.705 or 36.710, and a surcharge of \$1 from a**
42 **person filing an appearance in opposition to the petition.**

43 **(14) In addition to the fees provided for in ORS 46.570 (1), for the period commencing July**
44 **1, 2007, and ending June 30, 2009, in the small claims department of a circuit court the clerk**
45 **of the court shall charge and collect:**

1 (a) A \$1 surcharge when a plaintiff files a claim and the amount or value claimed does
2 not exceed \$1,500;

3 (b) A \$3 surcharge when a plaintiff files a claim and the amount or value claimed exceeds
4 \$1,500;

5 (c) A \$1 surcharge when a defendant demands a hearing and the amount or value claimed
6 by plaintiff does not exceed \$1,500; and

7 (d) A \$2 surcharge when a defendant demands a hearing and the amount or value claimed
8 by plaintiff exceeds \$1,500.

9 (15)(a) In addition to the fees provided for in ORS 105.130 (2), for the period commencing
10 July 1, 2007, and ending June 30, 2009, upon filing a complaint in the case of a dwelling unit
11 to which ORS chapter 90 applies, the clerk shall collect a surcharge of \$1.

12 (b) In addition to the fees provided for in ORS 105.130 (3), for the period commencing July
13 1, 2007, and ending June 30, 2009, if the defendant demands a trial after a complaint is filed
14 under ORS 105.130 (2), the plaintiff shall pay a surcharge of \$2.

15 (16) In addition to the fee provided for in ORS 107.434 (1), for the period commencing July
16 1, 2007, and ending June 30, 2009, the court shall charge a surcharge of \$3 upon the filing of
17 a motion seeking enforcement of a parenting time order.

18 (17) In addition to the fee provided for in ORS 112.820 (1)(d), for the period commencing
19 July 1, 2007, and ending June 30, 2009, the clerk of the probate court shall charge and collect
20 a surcharge of \$1 for filing of an affidavit under ORS 112.820 (1).

21 (18) In addition to the fee provided for in ORS 114.515 (6), for the period commencing July
22 1, 2007, and ending June 30, 2009, the clerk of the probate court shall charge and collect a
23 surcharge of \$1 upon the filing of an affidavit under ORS 114.515.

24 (19) In addition to the fee provided for in ORS 130.200 (8)(a), for the period commencing
25 July 1, 2007, and ending June 30, 2009, the clerk of the circuit court shall charge and collect
26 in advance a surcharge of \$3 for the filing of an agreement or memorandum of agreement
27 under ORS 130.200 (6) and a surcharge of \$2 for the filing of objections under ORS 130.200 (7).

28 (20) In addition to the fee provided for in ORS 138.560, for the period commencing July
29 1, 2007, and ending June 30, 2009, a petitioner shall pay a surcharge of \$1 at the time of filing
30 a petition under ORS 138.560.

31 (21) In addition to the fee provided for in ORS 166.274, for the period commencing July
32 1, 2007, and ending June 30, 2009, the clerk of the court shall collect a surcharge of \$5 for
33 the filing of a petition for relief under ORS 166.274.

34 (22) In addition to the fee provided for in ORS 419B.555 (6), for the period commencing
35 July 1, 2007, and ending June 30, 2009, the court shall charge and collect a surcharge of \$4
36 for each application for emancipation under ORS 419B.555.

37 **SECTION 10.** All funds collected under the surcharges imposed by section 9 of this 2007
38 Act are appropriated to the State Court Administrator and may be used by the State Court
39 Administrator only for the purpose of paying the costs of the Court Facilities Planning
40 Commission created under section 5 of this 2007 Act.

41
42 **LOTTERY FUNDS**

43
44 **SECTION 11.** ORS 461.540 is amended to read:

45 461.540. (1) There hereby is established in the General Fund of the State Treasury the Admin-

1 istrative Services Economic Development Fund. All moneys transferred from the State Lottery Fund,
2 interest earnings credited to this fund and other moneys authorized to be transferred to this fund
3 from whatever source are appropriated continuously for any of the following public purposes:

- 4 (a) Creating jobs;
- 5 (b) Furthering economic development in Oregon; or
- 6 (c) Financing public education.

7 (2) Moneys shall be transferred from the Administrative Services Economic Development Fund
8 to the Education Stability Fund established under ORS 348.696 as described in section 4, Article XV
9 of the Oregon Constitution.

10 (3) As used in this section and section 4, Article XV of the Oregon Constitution:

11 (a) "Creating jobs" includes, but is not limited to:

- 12 (A) Supporting the creation of new jobs in Oregon;
- 13 (B) Helping prevent the loss of existing jobs in Oregon;
- 14 (C) Assisting with work transition to new jobs in Oregon; or
- 15 (D) Training or retraining workers.

16 (b) "Education" includes, but is not limited to, the Education Stability Fund established under
17 ORS 348.696 and specific programs that support the following:

- 18 (A) Prekindergartens;
- 19 (B) Elementary and secondary schools;
- 20 (C) Community colleges;
- 21 (D) Higher education;
- 22 (E) Continuing education;
- 23 (F) Workforce training and education programs; or
- 24 (G) Financial assistance to Oregon students.

25 (c) "Furthering economic development" includes, but is not limited to, providing:

- 26 (A) Services or financial assistance to for-profit and nonprofit businesses located or to be lo-
27 cated in Oregon;
- 28 (B) Services or financial assistance to business or industry associations to promote, expand or
29 prevent the decline of their businesses;

30 **(C) Services or financial assistance for construction or renovation of state court facili-**
31 **ties; or**

32 **[(C)] (D) Services or financial assistance for facilities, physical environments or development**
33 **projects, as defined in ORS 285B.410, that benefit Oregon's economy.**

34
35 **CERTIFICATES OF PARTICIPATION**

36
37 **SECTION 12.** ORS 283.085 is amended to read:

38 283.085. As used in ORS 283.085 to 283.092, 286.515 and 286.525:

39 (1) "Available funds" means funds appropriated or otherwise made available by the Legislative
40 Assembly to pay amounts due under a financing agreement for the fiscal period in which the pay-
41 ments are due, together with any unexpended proceeds of the financing agreement, and any reserves
42 or other amounts which have been deposited in trust to pay amounts due under the financing
43 agreement.

44 (2) "Credit enhancement agreement" means any agreement or contractual relationship between
45 the state and any bank, trust company, insurance company, surety bonding company, pension fund

1 or other financial institution providing additional credit on or security for a financing agreement
2 or certificates of participation authorized by ORS 283.085 to 283.092, 286.515 and 286.525.

3 (3) "Director" means the Director of the Oregon Department of Administrative Services.

4 (4)(a) "Financing agreement" means a lease purchase agreement, an installment sale agreement,
5 a loan agreement or any other agreement:

6 (A) To finance real or personal property that is or will be owned and operated by the state or
7 any of its agencies;

8 (B) To finance infrastructure related to a facility that is owned and operated by the state;

9 (C) To finance infrastructure components that are owned or operated by a local government
10 agency of this state if the director determines that financing the infrastructure will facilitate the
11 construction or operation of an adult or juvenile corrections facility or a public safety training fa-
12 cility owned and operated by the state or any of its agencies;

13 (D) To finance all or a portion of the state's pension liabilities for retirement, health care or
14 disability benefits, in an amount that produces net proceeds that do not exceed the State Treasurer's
15 estimate of those liabilities based on information provided to the State Treasurer by the Public
16 Employees Retirement System;

17 **(E) To finance all or a portion of the costs of construction or renovation of state court**
18 **facilities; or**

19 ~~[(E)]~~ (F) To refinance previously executed financing agreements.

20 (b) As used in this subsection, "infrastructure" includes, but is not limited to, sewer and water
21 systems and road improvements.

22 (5) "Personal property" means tangible personal property, software and fixtures.

23 (6) "Property rights" means, with respect to personal property, the rights of a secured party
24 under ORS chapter 79, and, with respect to real property, the rights of a trustee or lender under a
25 lease authorized by ORS 283.089 (5).

26 (7) "Software" means software and training and maintenance contracts related to the operation
27 of computing equipment.

28 (8) "Treasurer" means the State Treasurer.

29
30 **SEISMIC REHABILITATION**

31
32 **SECTION 13.** ORS 401.300 is amended to read:

33 401.300. (1) The Director of the Office of Emergency Management, pursuant to the authority to
34 administer grant programs for seismic rehabilitation provided in ORS 401.270, shall develop a grant
35 program for the disbursement of funds for the seismic rehabilitation of critical public buildings, in-
36 cluding hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs'
37 offices, **court facilities**, other facilities used by state, county, district or municipal law enforcement
38 agencies and buildings with a capacity of 250 or more persons that are routinely used for student
39 activities by kindergarten through grade 12 public schools, community colleges, education service
40 districts and institutions of higher education. The funds for the seismic rehabilitation of critical
41 public buildings under the grant program are to be provided from the issuance of bonds pursuant
42 to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

43 (2) The grant program shall include the appointment of a grant committee. The grant committee
44 may be composed of any number of persons with qualifications that the director determines neces-
45 sary. However, the director shall include persons with experience in administering state grant pro-

1 grams and representatives of entities with responsibility over critical public buildings. The director
2 shall also include as permanent members representatives of:

- 3 (a) The Department of Human Services;
- 4 (b) The State Department of Geology and Mineral Industries;
- 5 (c) The Seismic Safety Policy Advisory Commission; and
- 6 (d) The Oregon Department of Administrative Services.

7 (3) The director shall determine the form and method of applying for grants from the grant
8 program, the eligibility requirements for grant applicants, and general terms and conditions of the
9 grants. The director shall also provide that the grant committee review grant applications and make
10 a determination of funding based on a scoring system that is directly related to the statewide needs
11 assessment performed by the State Department of Geology and Mineral Industries. Additionally, the
12 grant process may:

13 (a) Require that the grant applicant provide matching funds for completion of any seismic re-
14 habilitation project.

15 (b) Provide authority to the grant committee to waive requirements of the grant program based
16 on special circumstances such as proximity to fault hazards, community value of the structure,
17 emergency functions provided by the structure and storage of hazardous materials.

18 (c) Allow an applicant to appeal any determination of grant funding to the director for reeval-
19 uation.

20 (d) Provide that applicants release the state, the director and the grant committee from any
21 claims of liability for providing funding for seismic rehabilitation.

22 (e) Provide separate rules for funding rehabilitation of structural and nonstructural building el-
23 ements.

24 (4) Subject to the grant rules established by the director and subject to reevaluation by the di-
25 rector, the grant committee has the responsibility to review and make determinations on grant ap-
26 plications under the grant program established pursuant to this section.

27
28 **MISCELLANEOUS**

29
30 **SECTION 14.** ORS 9.574 is amended to read:

31 9.574. All fees collected under the provisions of ORS 21.480 shall be deposited with the State
32 Court Administrator. Within the first 25 days of the month following the month in which the fees
33 are collected, the State Court Administrator shall make the distribution required by ORS 21.480
34 [(5)] (6). The remaining funds deposited with the State Court Administrator shall be deposited by the
35 State Court Administrator with the Oregon State Bar. All amounts so deposited with the Oregon
36 State Bar are continuously appropriated to the Oregon State Bar, and may be used only for the
37 funding of legal services provided through the Legal Services Program established under ORS 9.572
38 and for expenses incurred by the Oregon State Bar in the administration of the Legal Services
39 Program.

40 **SECTION 15.** The unit captions used in this 2007 Act are provided only for the conven-
41 ience of the reader and do not become part of the statutory law of this state or express any
42 legislative intent in the enactment of this 2007 Act.

43 **SECTION 16.** This 2007 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
45 on its passage.

