

Senate Bill 712

Sponsored by Senator L GEORGE

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 **as introduced**.

Provides that law library fees in counties other than Multnomah County may be used to expand, maintain or operate court facilities if governing body of county determines that fees are not needed for purpose of maintaining or operating law library owned by county.

A BILL FOR AN ACT

1
2 Relating to court facilities; creating new provisions; and amending ORS 9.840, 9.850 and 21.350.

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

4 **SECTION 1.** ORS 9.850 is amended to read:

5 9.850. (1) In all counties containing not more than 400,000 inhabitants, according to the latest
6 federal decennial census, the **governing body of a county** [*court*] may use such part of the law li-
7 brary fees collected pursuant to ORS 21.350 (1) as the [*court*] **governing body of the county** deems
8 desirable for the purpose of acquiring, maintaining or operating a law library at the county seat of
9 the county, at such place as the [*court*] **governing body of the county** may direct.

10 (2) **If the governing body of a county determines that any fees collected under ORS 21.350**
11 **(1) are not needed for the purpose of maintaining or operating the law library owned by the**
12 **county, the fees may be used to expand, maintain or operate court facilities in the county.**

13 (3) [*In no event may*] **Except as provided in subsection (2) of this section**, moneys received
14 from law library fees **may not** be used for any purpose other than acquiring, maintaining or oper-
15 ating a law library.

16 **SECTION 2.** ORS 9.840 is amended to read:

17 9.840. The **governing body of a county** [*court of any county*] containing not more than 400,000
18 inhabitants, according to the latest federal decennial census, may, after a resolution duly passed by
19 the bar association of the county therefor has been filed with the county clerk, pass a resolution
20 at a regular meeting of the **governing body of the county** [*court*], declaring that the county main-
21 tains and operates a law library as described in ORS 21.350 (3), or that the county proposes, after
22 the passing of the resolution by the **governing body of the county** [*court*], to establish, maintain
23 and operate such a library, and reciting that the county has a population of not more than 400,000,
24 according to the latest federal decennial census. Such resolution shall be authorization and direction
25 to the clerk of a court to collect the fees prescribed in ORS 21.350 (1). Fees so collected shall be
26 paid, in the manner determined by the State Court Administrator, to the appropriate officer of the
27 county within the first 25 days of the month following the month in which collected.

28 **SECTION 3.** ORS 21.350 is amended to read:

29 21.350. (1) In counties containing more than 400,000 inhabitants, according to the latest federal
30 decennial census, or when directed as provided in ORS 9.840, the clerk of the court shall collect in
31 each civil suit, action or proceeding filed in the circuit or county court a law library fee determined

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 by the **governing body of the** county [*court or board of county commissioners*] in an amount not
 2 greater than 33 percent of the filing fee provided by law, except that the amount shall be rounded
 3 up to the next full dollar.

4 (2) The fees provided for in this section shall be collected in the same manner as other fees are
 5 collected in the suit, action or proceeding, and is in addition to the other fees provided by law.

6 (3) The fee provided in subsection (1) of this section may be collected if the county owns and
 7 maintains, or hereafter may acquire, own or maintain under the provisions of ORS 9.840 and 9.850,
 8 a law library at the county seat, available at all reasonable times to the use of litigants, and per-
 9 mitted to be used by all attorneys at law duly admitted to practice in this state, without additional
 10 fees to such litigants or attorneys.

11 (4) For the purpose of imposing the law library fee provided for in this section in cases that are
 12 subject to the filing fees established by ORS 105.130, the percentage figure provided for under sub-
 13 section (1) of this section shall be applied to the sum of the fee established by ORS 105.130 (2) and
 14 the surcharge established under ORS 105.130 (6). If the defendant demands a trial in the action, the
 15 percentage figure provided for under subsection (1) of this section shall be applied to the additional
 16 filing fee required of the plaintiff under ORS 105.130 (3), and to the sum of the filing fee required
 17 of the defendant under ORS 105.130 (3) and the surcharge established under ORS 105.130 (6).

18 **SECTION 4. The amendments to ORS 9.850 by section 1 of this 2007 Act apply to all law**
 19 **library fees collected under ORS 21.350, whether collected before, on or after the effective**
 20 **date of this 2007 Act.**

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