

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	10 - 0 - 0
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	2/8, 4/5

WHAT THE MEASURE DOES: Directs circuit courts to collect fees for civil actions filed on or after July 1, 2011, according to terms of measure. Establishes Standard Filing Fee of \$225 for actions including those seeking only equitable remedies, appeals from conviction in justice or municipal courts for violations, interpleaders, adoptions, trusts, and judicial review of agency orders. Establishes Domestic Relations Filing Fee of \$300 for dissolution, annulment, separation, and filiation proceedings. Establishes Simple Proceeding Filing Fee of \$100 for name change, sex change application, and guardianship proceedings. Sets the following other filing fees: forcible entry or wrongful detainer \$75; garnishment \$35; civil claims involving less than \$10,000, \$140; and civil claims involving \$10,000 to \$50,000, \$250. Establishes Tort and Contract Actions Filing Fees of \$225, \$500, \$750, and \$1,000, depending on the amount of the claim, and directs collection of same upon filing of appeal or transfer from justice court. Modifies filing fees for appointment of personal representative and for conservatorship and directs courts with probate jurisdiction to collect \$225, \$500, \$750, or \$1,000, depending on value of estate. Directs courts with probate jurisdiction to collect fees of \$25, \$250, \$500, or \$1,000, for filing of annual or final accountings, depending upon value of estate. Raises filing fees in justice courts to \$40 each for plaintiff and defendant in civil actions, \$28 each for small claims, and increases document fee to \$6. Modifies small claims jurisdiction and adjusts small claims filing fees to achieve graduated structure. Increases amount of costs recoverable in small claims to \$100 for cases resolved short of trial, and to \$115 for cases tried. Modifies fees for judicial review in Supreme Court and Court of Appeals to \$350 for petitioner and any other persons appearing. Establishes motion fees for filing and responding parties of \$100 for certain motions in proceedings requiring payment of Standard, Simple Proceeding, or Tort and Contract Action Filing Fees. Establishes motion fees for filing and responding parties of \$150 for motion seeking entry of supplemental judgment, and \$50 for motions seeking enforcement of parenting plan or contempt of court, in proceedings requiring payment of Domestic Relations Filing Fee. Establishes motions fee for filing and responding parties of \$50 for certain motions in appellate court. Establishes \$100 per day fee from each party for settlement conference in proceedings requiring payment of Domestic Relations Filing Fee, and \$200 per day from each party for settlement conference in other civil proceedings. Establishes \$150 fee for mediator in workers' compensation appeal and \$350 fee for other appeals. Modifies per-day fee for trial: bench \$125, six-person jury \$150, and \$225 for jury of more than six. Modifies fees for motion to set aside conviction, solemnization of marriage, and for collection of judgment by court. Creates Document Fee of \$10 and allows for collection of fees for other court services not provided for. Corrects omission of exemption for declaratory judgment cases from multiple party fees and allows refund for cases filed during specified time frame.

Creates Court Civil Revenues Account and directs all fees collected in circuit courts on or after July 1, 2011, to be deposited in that account for continuous appropriation to Department of Revenue. Directs Department of Revenue to conduct rulemaking to establish process for making distributions. Allows for method of calculation based on a percentage of filing fees for legal aid, law libraries, court facilities, and reconciliation/mediation, with legal aid guaranteed 14 percent of total civil filings, and the remaining three entities distributed by each county, to reflect 70 percent of domestic relations filings plus 10 percent of other civil filings, in the respective county. Permits fixed distributions for the following: Oregon University System for Mark O. Hatfield School of Government and School of Law \$2.4 million; Housing and Community Services Department Low Income Rental Housing Fund \$470,000; Domestic Violence Clinical Legal Education Account \$330,000; Oregon Law Commission \$222,622; Department of

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This summary has not been adopted or officially endorsed by action of the committee.

Agriculture for all but individual farm credit mediation programs \$150,000; Council on Court Procedures \$51,400; and Department of Human Services for Office of Children's Advocate \$30,000.

Pertains to revenue raising requiring three-fifths majority approval. Declares emergency, effective July 1, 2011.

ISSUES DISCUSSED:

- History of the measure and work of Interim Committee
- Need to protect court funding
- Cost to operate/administer current system, its complexity, lack of transparency, inconsistency
- Rationale for dedicated funds and add-on surcharges
- History of funding legal aid services
- Domestic violence programs/services
- Justice courts and municipal courts
- Access to justice
- Calculating historical funding levels for eligible entities
- Competition among entities for receipt of funds
- Whether to adjust fee amounts, particularly with regard to small claims

EFFECT OF COMMITTEE AMENDMENT: Corrects omission of exemption for declaratory judgment cases from multiple party fees and allows refund for cases filed during specified time frame. Reinstates Council on Court Procedures and Oregon Law Commission among entities eligible to receive distributions. Allows for method of calculation based on a percentage of filing fees for legal aid, law libraries, court facilities, and reconciliation/mediation, with legal aid guaranteed 14 percent of total civil filings, and the remaining three entities distributed by each county, to reflect 70 percent of domestic relations filings plus 10 percent of other civil filings, in the respective county. Changes fees as follows: domestic relations \$300; forcible entry or wrongful detainer \$75; garnishment \$35; and circuit court document fee \$10. Reinstates civil filing fee category for claims involving less than \$10,000 and sets fee at \$140. Sets civil filing fee for claims involving \$10,000 to 50,000 at \$250. Modifies small claims jurisdiction and adjust small claims filing fees to achieve a more graduated structure. Increases amount of costs recoverable in small claims to \$100 for cases resolved short of trial, and to \$115 for cases tried. Raises filing fees in justice courts to \$40 each for plaintiff and defendant in civil actions, \$28 each for small claims, and increases document fee to \$6.

BACKGROUND: House Bill 2710 A is one of three measures resulting from the efforts of the Joint Interim Committee on State Justice System Revenues (the Interim Committee), which was established by House Bill 2287 (2009) and which met almost monthly between October 2009 and January 2011. House Bill 2710 A and its companion measures, House Bills 2711 and 2712, are intended to replace House Bill 2287 (2009), which sunsets June 30, 2011, in order to continue adequately funding Oregon's courts.

The Interim Committee was charged with studying the Oregon Judicial Department's fee collection and revenue distribution structure; identifying best practices with regard to same; and making recommendations to simplify it. The Interim Committee was guided by a number of principles, including a desire to preserve access and proportionality, to improve efficiency and cost savings, and to achieve a stable, predictable, and transparent flow of money that can be accounted for and easily understood by the public. All the materials collected and produced by the Interim Committee over the course of its progress are available at <http://www.leg.state.or.us/comm/lfo/home.htm>.

House Bill 2710 A establishes a more uniform civil filing fee schedule for circuit courts in Oregon and eliminates statutorily-dedicated fees that are added-on at the time of filing. Under House Bill 2710 A all revenue collected from civil filing fees will be deposited into a Court Fee Account and entities previously receiving revenue from an add-on fee will instead receive distributions from the Court Fee Account.