

A-Engrossed
House Bill 2367

Ordered by the House March 29
Including House Amendments dated March 29

Sponsored by Representative NATHANSON; Representatives BARKER, BENTZ, BERGER, COWAN, DOHERTY, J SMITH, Senators BONAMICI, PROZANSKI (Presession filed.)

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.

Allows county with population of 400,000 or less to offer law library services in lieu of **acquiring, maintaining or** operating law library.

Allows county with population of 400,000 or less to enter into contract with law library association or other organization for operation of law library or provision of law library services. Allows use of law library fees collected in circuit court to pay amounts agreed to under contract.

Requires State Court Administrator to conduct biennial electronic survey of all county law libraries and law library services provided by counties.

A BILL FOR AN ACT

1
2 Relating to county law libraries; creating new provisions; and amending ORS 8.125, 9.840, 9.850 and
3 21.350.

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

5 **SECTION 1. If the county governing body has passed a resolution under ORS 9.840 pro-**
6 **viding for the operation of a law library or the provision of law library services, the county**
7 **governing body may enter into a contract with a law library association or other organiza-**
8 **tion for the operation of the law library or provision of law library services. A county gov-**
9 **erning body entering into a contract under this section may use fees collected and paid to**
10 **the county under ORS 9.840 to pay all amounts agreed to under the contract.**

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

12 9.840. The [*county court*] **governing body** of any county containing not more than 400,000 in-
13 habitants, according to the latest federal decennial census, may, after a resolution duly passed by
14 the bar association of the county therefor has been filed with the county clerk, pass a resolution
15 at a regular meeting of the [*county court*] **governing body**, declaring that the county maintains and
16 operates a law library [*as described in ORS 21.350 (3)*] **or provides law library services as de-**
17 **scribed in ORS 9.850**, or that the county proposes, after the passing of the resolution by the [*county*
18 *court*] **governing body**, to establish, maintain and operate such a library **or provide such**
19 **services**, and reciting that the county has a population of not more than 400,000, according to the
20 latest federal decennial census. Such resolution shall be authorization and direction to the clerk of
21 a court to collect the fees prescribed in ORS 21.350 (1). Fees so collected shall be paid, in the
22 manner determined by the State Court Administrator, to the appropriate officer of the county within
23 the first 25 days of the month following the month in which collected.

24 **SECTION 3.** ORS 9.850 is amended to read:

25 9.850. [*In all counties containing not more than 400,000 inhabitants, according to the latest federal*

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 *decennial census, the county court may use such part of the law library fees collected pursuant to ORS*
2 *21.350 (1) as the court deems desirable for the purpose of acquiring, maintaining or operating a law*
3 *library at the county seat of the county, at such place as the court may direct. In no event may moneys*
4 *received from law library fees be used for any purpose other than acquiring, maintaining or operating*
5 *a law library.] In counties containing not more than 400,000 inhabitants, according to the*
6 **latest federal decennial census, the governing body of the county may use law library fees**
7 **collected under ORS 21.350 (1) only for the purpose of:**

8 **(1) Acquiring, maintaining or operating a free law library at a location that is convenient**
9 **and available at reasonable hours for the use of litigants and attorneys; or**

10 **(2) Providing free law library services at one or more locations that are convenient and**
11 **available at reasonable hours for the use of litigants and attorneys.**

12 **SECTION 4.** ORS 21.350 is amended to read:

13 21.350. (1) In counties containing more than 400,000 inhabitants, according to the latest federal
14 decennial census, or when directed as provided in ORS 9.840, the clerk of the court shall collect in
15 each civil suit, action or proceeding filed in the circuit or county court a law library fee determined
16 by the [*county court or board of county commissioners*] **governing body of the county** in an amount
17 not greater than 28 percent of the filing fee provided by law, except that the amount shall be
18 rounded up to the next full dollar.

19 (2) The [*fees*] **fee** provided [*for*] in **subsection (1) of** this section shall be collected in the same
20 manner as other fees are collected in the suit, action or proceeding, and is in addition to the other
21 fees provided by law.

22 (3) The fee provided in subsection (1) of this section may be [*collected if the county owns and*
23 *maintains, or hereafter may acquire, own or maintain under the provisions of ORS 9.840 and 9.850, a*
24 *law library at the county seat, available at all reasonable times to the use of litigants, and permitted*
25 *to be used by all attorneys at law duly admitted to practice in this state, without additional fees to such*
26 *litigants or attorneys*] **used only as provided in ORS 9.820 and 9.850.**

27 (4) For the purpose of imposing the law library fee provided for in this section in cases that are
28 subject to the filing fees established by ORS 105.130, the percentage figure provided for under sub-
29 section (1) of this section shall be applied to the sum of the fee established by ORS 105.130 (2) and
30 the surcharge established under ORS 105.130 (6). If the defendant demands a trial in the action, the
31 percentage figure provided for under subsection (1) of this section shall be applied to the additional
32 filing fee required of the plaintiff under ORS 105.130 (3), and to the sum of the filing fee required
33 of the defendant under ORS 105.130 (3) and the surcharge established under ORS 105.130 (6).

34 **SECTION 5.** (1) **The State Court Administrator shall conduct every two years an elec-**
35 **tronic survey of all county law libraries and the law library services provided by counties.**
36 **The survey must request information on:**

37 **(a) The extent to which counties provide access to statutes, rules, cases and other legal**
38 **information, whether through printed materials or electronic access;**

39 **(b) Staffing in county law libraries;**

40 **(c) The number and types of persons who use county law libraries and other law library**
41 **services;**

42 **(d) The hours that county law libraries are open, or access to law library services is**
43 **available;**

44 **(e) The hours that law library staff assistance is available, either in person, by telephone**
45 **or through the Internet; and**

1 **(f) The extent to which persons who use county law libraries and law library services**
2 **have free or low-cost public, on-site access to computers, printers, copiers and other elec-**
3 **tronic devices provided by the counties.**

4 **(2) The State Court Administrator shall submit a report to the Legislative Assembly in**
5 **the manner provided by ORS 192.245 based on each survey conducted under this section. The**
6 **report must be delivered to the Legislative Assembly not later than February 1 of each**
7 **odd-numbered year.**

8 **SECTION 6.** ORS 8.125 is amended to read:

9 8.125. The State Court Administrator shall, to the extent directed by the Chief Justice of the
10 Supreme Court:

11 (1) Assist the Chief Justice in exercising administrative authority and supervision under ORS
12 1.002.

13 (2) Consistent with applicable provisions of law and rules made thereunder:

14 (a) Supervise the personnel plan for officers, other than judges, and employees of the courts of
15 this state who are state officers or employees.

16 (b) Prescribe the form and content and supervise the preparation of consolidated budgets, for
17 submission to the Legislative Assembly, applicable to expenditures made and revenues received by
18 the state in respect to the courts of this state.

19 (c) Supervise an accounting system for the recording, monitoring and auditing of expenditures
20 made and revenues received by the state in respect to the courts of this state.

21 (d) Establish and maintain inventory records of property of the state in the custody or control
22 of the courts of this state or any judge, other officer or employee thereof.

23 (3) Conduct a continuing survey of the administrative methods and activities, records, business
24 and facilities of the courts of this state and make recommendations to the Chief Justice based on
25 the survey.

26 (4) Collect and compile statistical and other data relating to the courts of this state and mu-
27 nicipal courts, including the caseload, workload, performance, status, management, expenses and
28 revenues of those courts, and make reports on the business and condition of those courts.

29 (5) Establish and supervise a statewide public information service concerning the courts of this
30 state.

31 (6) Establish and supervise education programs for judges, other officers and employees of the
32 courts of this state and municipal courts pertinent to the performance of the functions of those
33 judges, other officers and employees.

34 (7) Provide to the judges, other officers and employees of the courts of this state, to attorneys
35 and to the public appropriate assistance services relating to the administration and management of
36 the courts of this state.

37 (8) Prepare and maintain a continuing long-range plan for improvement and future needs of the
38 courts of this state.

39 (9) Supervise and maintain the law libraries of the judicial department of government of this
40 state, including the State of Oregon Law Library, and excluding county law libraries established
41 under ORS 9.820 and 9.840 **except as provided in section 5 of this 2011 Act.**

42 (10) Enter into contracts on behalf of the Judicial Department, including but not limited to fi-
43 nancing agreements entered into pursuant to ORS 283.087.

44 (11) Prescribe minimum retention schedules and standards for all records of the state courts and
45 the administrative offices of the state courts, including but not limited to minimum retention

1 schedules and standards for registers, dockets, indexes, files, citations, notes, audio records, video
2 records, stenographic records, exhibits, jury records and fiscal and administrative documents,
3 whether maintained in paper, micrographic, electronic or other storage form. The State Court Ad-
4 ministrators shall ensure that the minimum record retention schedules and standards prescribed un-
5 der this subsection conform with policies and standards established by the State Archivist under
6 ORS 192.105, 357.825 and 357.835 (1) for public records valued for legal, administrative or research
7 purposes.

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