

House Bill 2367

Sponsored by Representative NATHANSON; Representatives BARKER, BENTZ, BERGER, COWAN, DOHERTY, J SMITH, Senators BONAMICI, PROZANSKI (Pre-session 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 **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to county law libraries; 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. If the county governing body has passed a resolution under ORS 9.840 providing for the operation of a law library or the provision of law library services, the county governing body may enter into a contract with a law library association or other organization for the operation of the law library or provision of law library services. A county governing body entering into a contract under this section may use fees collected and paid to the county under ORS 9.840 to pay all amounts agreed to under the contract.**

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

11 9.840. The [*county court*] **governing body** of any county containing not more than 400,000 inhabitants, according to the latest federal decennial census, may, after a resolution duly passed by the bar association of the county therefor has been filed with the county clerk, pass a resolution at a regular meeting of the [*county court*] **governing body**, declaring that the county maintains and operates a law library [*as described in ORS 21.350 (3)*] **or provides law library services as described in ORS 9.850**, or that the county proposes, after the passing of the resolution by the [*county court*] **governing body**, to establish, maintain and operate such a library **or provide such services**, and reciting that the county has a population of not more than 400,000, according to the latest federal decennial census. Such resolution shall be authorization and direction to the clerk of a court to collect the fees prescribed in ORS 21.350 (1). Fees so collected shall be paid, in the manner determined by the State Court Administrator, to the appropriate officer of the county within the first 25 days of the month following the month in which collected.

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

24 9.850. [*In all counties containing not more than 400,000 inhabitants, according to the latest federal decennial census, the county court may use such part of the law library fees collected pursuant to ORS 21.350 (1) as the court deems desirable for the purpose of acquiring, maintaining or operating a law library at the county seat of the county, at such place as the court may direct. In no event may moneys received from law library fees be used for any purpose other than acquiring, maintaining or operating a law library.*] **In counties containing not more than 400,000 inhabitants, according to the**

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 latest federal decennial census, the governing body of the county may use law library fees
2 collected under ORS 21.350 (1) only for the purpose of:

3 (1) Operating a free law library at a location that is convenient and available at reason-
4 able hours for the use of litigants and attorneys; or

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

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

8 21.350. (1) In counties containing more than 400,000 inhabitants, according to the latest federal
9 decennial census, or when directed as provided in ORS 9.840, the clerk of the court shall collect in
10 each civil suit, action or proceeding filed in the circuit or county court a law library fee determined
11 by the *[county court or board of county commissioners]* **governing body of the county** in an amount
12 not greater than 28 percent of the filing fee provided by law, except that the amount shall be
13 rounded up to the next full dollar.

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

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

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

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