

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4143 – MRB

Seventy-Seventh Oregon Legislative Assembly – 2014 Regular Session
Legislative Fiscal Office

***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Authorizes court, as part of settlement or judgment in class action, to approve process for payment of damages, dedicates unpaid damages in class action settlements to the Legal Aid Supplementary Account and the Domestic Violence Programs Account.

Government Unit(s) Affected:

Department of Justice, Judicial Department, District Attorneys, Secretary of State, Oregon State Treasurer

Summary of Expenditure Impact: See Analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure authorizes the court to order unclaimed damages from class action settlements to be deposited fifty percent in the Legal Aid Account and fifty percent in the Domestic Violence Programs Account that is established by the measure.

The measure directs the State Treasurer to create subaccounts within the Legal Aid Account for the purpose of managing and distributing moneys in the account and allows the State Treasurer to charge the accounts for administration. The measure allows the State Court Administrator to make additional distributions to the Oregon State Bar from the Legal Aid Account to be used for funding legal services related to domestic violence. The measure requires the Oregon State Bar to submit a report to the Legislative Assembly on the Legal Services Program, on or before December 31 of every even-numbered year and outlines the information required for the report.

The measure directs the Secretary of State to conduct an audit of the Legal Services Program at least once every five years and charge the cost of the audit to the Oregon State Bar. According to the Secretary of State Audits Division, the cost of the audit would be approximately \$25,000.

The measure establishes the Domestic Violence Programs Account, separate and distinct from the General Fund, continuously appropriates the moneys to the Department of Justice for domestic violence programs, and credits interest earned to the General Fund.

Currently, unclaimed damages are returned to the defendant. Data on unclaimed damages from class action settlements is unavailable. The amount of funds that may become available is indeterminate.

There is a minimal fiscal impact to the Judicial Department for the State Court Administrator's duties related to the Legal Aid Account and to the Secretary of State. There is no fiscal impact to the Department of Justice or Oregon State Treasurer.