

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

House Committee on Judiciary

**REVENUE: May have revenue impact, statement not yet issued****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/1

**WHAT THE MEASURE DOES:** Allows counties to impose surcharge on circuit court filing fees, trial fees, small claim fees, and document fees solely for use in construction or capital improvements to courthouse in the county imposing the surcharge. Specifies surcharge may not be more than 15 percent of applicable fee. Allows circuit courts to impose surcharge on certain fines for use in construction or capital improvements to courthouse or for payment of debt relating to such construction or improvement. Specifies fine surcharge may not exceed \$5. Requires counties and courts to be in counties that are authorized to receive funds for county courthouse through Oregon Courthouse Capitol Construction and Improvement Fund. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed (-1) amendments modifies procedure whereby county may impose surcharge. Requires county to notify Judicial Department by October 1 of calendar year prior to imposing surcharge. Clarifies into which funds and for what purposes moneys may be transferred.

Proposed (-3) amendments require equal application of surcharge on filing fees. Applies only to fees imposed after board of county commissioners sets surcharge. Exempts surcharge from method of distributing fines to state. Applies only to fines imposed after presiding judge sets surcharge. Requires summons for violation citation to include amount of surcharge, if any. Removes emergency clause.

**BACKGROUND:** The Oregon Courthouse Capitol Construction and Improvement Fund was established in 2013 to provide bond funding for courthouses that have significant structural defects that present actual or potential threats to human health and safety. The State Treasurer may issue up to \$15 million in Article XI-Q bonds for these projects, subject to approval by the Chief Justice of the Supreme Court and the Oregon Department of Administrative Services. Agreements between counties and the state for courthouse projects may require counties to contribute at least 50 percent of the total estimated cost of the project. Counties may transfer money from property taxes, bond proceedings, or any other county moneys.

House Bill 4093 allows counties to impose a surcharge of up to 15 percent on certain court filing fees for use in courthouse projects and allows courts to impose a surcharge of up to \$5 on fines for parking violations, traffic offenses, and boating violations.

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

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