



Oregon Judicial Department
Office of the State Court Administrator

Overview of State/County Responsibilities for Courthouses

February 4, 2026

EXECUTIVE SUMMARY

While the state assumed responsibility in 1983 for most court operation costs, counties remain responsible for providing “suitable and sufficient” facilities for circuit courts.¹ However, many counties are finding it increasingly difficult to meet that obligation and look to the state for support.

The legislature first provided financial support to replace an aging, unsafe courthouse in 2009, then later directed the Chief Justice to submit a biennial courthouse improvement plan and created a funding source for improvements in 2011, and further authorized using state bonds to share the cost of replacing unsafe courthouses in 2013.

The Chief Justice’s Recommended Budget (CJRB) for each biennium includes funding requests to improve, plan to replace, or construct new courthouses. Although the statutes authorizing state bonds to replace courthouses were just codified this year in the 2025 Oregon Revised Statutes², the Oregon Judicial Department (OJD) has more than a decade of experience in identifying priority projects and requesting and managing state funds to improve court facilities.

Many counties have benefited from state support, but courthouses in many more remain in dire need of improvement or replacement to become truly “suitable and sufficient,” especially in an era of changing technology and increasing security needs.

¹ ORS 1.185(1)(a)

² ORS 1.181 – 1.184

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1 STATEHOOD TO THE “GRAND BARGAIN”

Since statehood, counties were responsible for all aspects of circuit court operations except for the judges (who were and are state officials). Counties paid court staff, provided court facilities and security, and were responsible for prosecution, public defense, and other court-related functions.

In response to county concerns about increasing cost burdens and legislative concerns about disparate levels of service among the various circuit courts and lack of data and financial controls, the 1979 Legislative Assembly created a Commission on the Judicial Branch (“the Commission”). Its membership included legislators in an effort “to overcome the traditional legislative antipathy toward the courts,” judges, attorneys, and business leaders³. The Commission conducted “the most comprehensive review of Oregon’s courts since Statehood,” issued its report in 1981, and many of its recommendations were adopted in a special session of the legislature later that year.^{4,5} The new state court system went into effect in 1983.⁶

As a result of that “Grand Bargain,” the state assumed operational costs for state courts, added a centralized administrative structure to create a unified state court system⁷ (overseen by the Chief Justice of the Supreme Court), and assumed costs for public defense in state courts. The state also became responsible for pretrial release officers, jury costs, data processing, and other personnel and administrative costs for circuit courts. Responsibilities left with the counties

State and County Responsibilities From the ‘Grand Bargain’

Costs Retained or Assumed by the State

1. Judges (already paid by the state)
2. Clerical, bailiff, and court reporters
3. Trial court administrators, and clerk of the court functions
4. Pretrial release officers
5. Indigent defense costs (attorneys and related costs)
6. Jury costs
7. Equipment and supplies (except those w/ historical value)
8. Data processing and other operations expenses
9. Indirect personnel costs (accounting, payroll, records, etc.)

Costs Retained by the County

1. Criminal prosecution
2. Court Facilities
3. Non-judicial juvenile department personnel
4. Probation officers
5. Security personnel
6. Law libraries
7. All local correctional functions
8. Family conciliation personnel costs
9. Deed recording and elections registration

³ 1980 Report of the Oregon Commission on the Judicial Branch, 2 (1981).

⁴ Id. at vii

⁵ See, HB 3293 (Or Laws 1981, ch 1) and HB 3292 (Or Laws 1981, ch 3).

⁶ See generally, Stephen P. Armitage, *History of the Oregon Judicial Department: After Statehood*, State of Oregon Law Library, 17 (2009) <https://cdm17027.contentdm.oclc.org/digital/collection/p17027coll16/id/343/rec/2> (discussing 1983 unification of OJD)

⁷ Justice courts and municipal courts are not part of the state court system.

included providing “suitable and sufficient” court facilities ⁸, court security, prosecution, community corrections, law library operations, and others.⁹

The Commission’s commentary on the retention of facilities in the county portfolio is informative and still resonates today. It said:

“This section [of the draft bill] establishes the county side of the ‘bargain’ under which the state would assume responsibility for most of the costs of the court system. That is, the counties would remain responsible for providing buildings, maintenance and utilities. In part this is a recognition of the fact that the state simply cannot afford to undertake these facilities costs, and in part it is due to the multi-use nature of county courthouses. Presently these buildings house many non-court county functions and offices. It would therefore be inappropriate for the bill to cause these buildings to become state property.”¹⁰

That discussion did not lie fallow for long. A series of task forces involving OJD, the Association of Oregon Counties (AOC), the Oregon State Bar, and other parties worked on courthouse issues.¹¹ In 2007, the legislature created an Interim Committee on Court Facilities¹² (which included Senator Floyd Prozanski and Representative Nancy Nathanson) and funded a statewide assessment of county courthouse facilities. The assessment found \$843.5 million in needed improvement or replacement costs. The Committee also developed guidelines for “suitable and sufficient” court facilities and issued its final report in February 2009.¹³

2 STATE SUPPORT FOR COURT FACILITIES

The state’s first direct financial support for court facilities came in 2009, when during the recession the legislature authorized \$11.3 million in lottery bond proceeds to promote job creation by renovating several court facilities, in addition to other state and local government facilities.¹⁴

The 2011 legislature made several additional important changes. First, it directed the Chief Justice to develop a biennial plan for capital improvements to county courthouses and request funding from the Criminal Fine Account (CFA).¹⁵ It also increased the presumptive fine amounts

⁸ ORS 1.185(1)

⁹ 1980 *Report of the Oregon Commission on the Judicial Branch*, 28-29 (1981).

¹⁰ See, *Id.* at 36.

¹¹ Court Facilities Task Force, [Report on Oregon Court Facilities](#), 5-6 (2006).

¹² Created by HB 2331 (2007) ([Interim Committee on Court Facilities](#))

¹³ Legislative Administration Committee Services, [Interim Committee on Court Facilities Final Report](#) (2009).

¹⁴ SB 5535 (Or Laws 2009, ch 906, § 24) created the Oregon Judicial Facilities Fund and provided \$11.3 million for construction and maintenance of court facilities.

¹⁵ ORS 1.176(1)

by \$3 to support state court facilities and security,^{16,17,18} and dedicated 10 percent of certain punitive judgment awards to a new State Court Facilities and Security Account.^{19,20}

A landmark change occurred in 2013 when, at the urging of Multnomah County, the legislature authorized use of state Article XI-Q bonds to share the costs of replacing unsafe courthouses.²¹ That authorization has governed subsequent state support for courthouse replacement projects for more than a decade. Debt service for these courthouse replacement bonds is part of OJD's budget.

That year also marked the first time state support was provided to build a new courthouse, in Union County, with funds from the newly created State Court Facilities and Security Account (SCFSA).

In 2016, the legislature authorized presiding judges in counties in which Article XI-Q bonds are used to support a new courthouse to impose a surcharge on parking and traffic offenses. The surcharge revenue goes to the county to support payment of bondable county capital costs and debt service for any local bonds.²²

3 PROJECTS FUNDED WITH STATE SUPPORT

OJD has submitted its biennial plan in the form of requested state support for courthouse projects in the CJRB every biennium since the requirement was enacted in 2011. The legislature has supported most requests for courthouse replacement projects, but funding for capital improvement projects has varied each biennium due to declining CFA revenues over the past 6 years. In the 2013-15 and 2015-17 biennia, OJD received allocations from the CFA for capital improvement projects. OJD has not received any additional CFA allocations for capital improvement projects since although one-time General Funds were allocated in the 2023-25 biennium for courthouse expansion and improvement projects. In the 2021-23 and 2023-25 biennia, OJD only received limitation to spend existing cash reserves and punitive damage awards deposited in the SCFSA. In the 2025-27 biennium, OJD did not receive any CFA allocation or limitation for capital improvement projects.

While the presumptive fine amount was increased in 2011 to support state court facilities and security, CFA fund balances have simply not been robust enough to support all of its statutory priorities.²³

¹⁶ See, HB 2712-C (2011) Revenue Impact Statement

¹⁷ See, HB 2712-C (2011) Budget Report at 3.

¹⁸ HB 2712 (2011) was introduced at the request of the House Interim Committee on Judiciary for the Joint Interim Committee on State Justice System Revenues

¹⁹ See, HB 3525 (Or Laws 2011, ch 689, §§ 1-2)

²⁰ See, HB 2712 (Or Laws 2011, ch 597, § 312)

²¹ See, SB 5506 (Or Laws 2013, ch 705, §§ 8-9); ORS 1.181-1.184

²² ORS 1.188

²³ See ORS 137.300

3.1 COURTHOUSE REPLACEMENT PROJECTS

The state has contributed to new, completed courthouses in Union, Jefferson, Multnomah, Clackamas, and Crook counties. In addition, Benton County is building a new courthouse, and the legislature has authorized construction bonds for a new courthouse in Morrow County.

The Union County project used a cash grant, and all other projects have used Article XI-Q bonds. Those specific bonds, authorized by the Oregon Constitution, can be used only for facilities “owned or operated” by the state.²⁴ Statutes meet that requirement by providing for a lease or intergovernmental agreement (IGA) between OJD, the state Department of Administrative Services (DAS), and the county, in which the county continues to own the courthouse, but the state legally operates its portion of the facility (at no cost).

Other replacement projects with legislative funding and in various stages of development are in Hood River, Umatilla, and Washington counties. Legislatively authorized projects in Curry, Lane, Linn, and Tillamook counties did not reach the construction stage. More detail on bond funds authorized for replacement projects is available in the 2025-27 CJRB document.²⁵

The 2025-27 CJRB requested supplemental construction funds for courthouses in Morrow County, new construction funds for new courthouses in Hood River and Umatilla counties, and planning funds for Malheur, Lincoln, Polk, Washington, and Tillamook counties.²⁶ The legislature approved only the funds for Morrow County and Washington County projects.

3.2 COURTHOUSE IMPROVEMENT PROJECTS

State support has helped maintain or improve county courthouses, mostly in rural or frontier counties, literally in every corner of the state – from Curry to Harney and Wallowa to Clatsop counties. These projects have included elevators to meet Americans with Disabilities Act access, fire safety and security improvements, remodeling or expanding court space, and a variety of other types of projects. These typically are cash awards of no more than \$2 million per project. Additional information is available in the 2025-27 CJRB.²⁷

4 HOW THE STATE SUPPORT PROGRAM WORKS

Chief Justices have consulted with the AOC in developing their courthouse improvement plans and have relied on recommendations from the AOC Court Facilities Task Force in establishing priority requests. The requests include planning funds for courthouse replacements (General Fund or, recently, federal American Rescue Plan Act funds), construction funds for courthouse replacements (Article XI-Q bonds), and construction funds for courthouse improvements (General Fund or Other Funds from the Criminal Fine Account). Those requests are included in the CJRB and submitted to the legislature for consideration.

²⁴ Or Law 2013, ch 705, §8(3), *compiled as a note after ORS 1.189 (2016)*

²⁵ Oregon Judicial Department [Chief Justice's Recommended Budget 2025-27 Biennium](#), 441-453 (2024).

²⁶ *Id.* at 421.

²⁷ *Id.* at 306-311, 423.

Counties seeking planning funds for courthouse replacements are required by legislative policy – although not by statute – to provide equal matching funds. These funds might support a scoping process or a more full-fledged planning process that results in a design that allows a cost estimate for construction funds.

Counties seeking improvement funds are not required to have matching funds, but the legislature historically has been more likely to fund projects in which the county is contributing some level of funding for the project.

Replacement projects using state bond fund support have a more detailed statutory structure and requirements. The main requirements are as follows:

- Bonds may not be issued unless the Chief Justice has made findings related to the condition of the current courthouse, the cost-effectiveness of replacing the courthouse, and the opportunity for a state agency to co-locate in the new facility. In addition, the Chief Justice and DAS both must approve the final project.
- If a state agency is co-located in the new facility, the maximum state match increases from 25 percent to 50 percent.
 - Chief Justices have required that if the district attorney will be located in the new facility, then space must be made available for public defense attorneys (the Oregon Public Defense Commission must be the co-located agency).
- The state matching funds are not applied to the total project cost. They only apply to the state space (OJD and the co-located agency), common spaces (e.g., public hallways, restrooms, etc.), or services that directly support court functions (e.g., court security, holding cells, etc.).
 - The county is solely responsible for any county offices in the building, including the district attorney's office. Although the district attorney is a state official, deputy district attorneys and support staff are county employees, and counties have a separate statutory responsibility to provide offices and support for them.²⁸
 - County matching funds can include either the appraised value or purchase price of land bought for the courthouse, whichever is higher.
- The state remains responsible for providing fixtures and furnishings for its portions of the new courthouse, pursuant to ORS 1.187. These typically are identified separately but are included in the funding requests for the construction bonds.
- Three primary documents govern the funding process.
 - **Master Funding Agreement.** A contract between the state and county that includes provisions which identify primary contacts, provide definitions, establish roles and responsibilities of the parties, outline how potential conflicts will be resolved and how the reimbursement process will work, and identify defaults and remedies, among other provisions.

²⁸ ORS 8.850

- **Phase Funding Agreement.** A separate contract that provides specific requirements and deliverables for a specific round of funding, including approval of specific plans.
- **Intergovernmental Agreement/Lease.** Although the term “lease” implies some consideration for use of the building, these agreements establish that OJD premises are provided on a no-cost basis. The co-located agency space is rent-free for the life of the state bonds.

Bonds approved by the legislature typically are sold at the end of the biennium, which can cause cash-flow issues for the county. Any General Fund or Other Funds for planning or improvements are available upon passage of the funding bill and signing of an IGA.

5 RECENT POLICY LEGISLATION RELATED TO COURTHOUSES

The legislature has considered multiple proposals for statutory changes since 2019, but none have become law. The following briefly summarizes the proposals and their final status in the legislative process.

2019: [HB 2605](#) would have codified the temporary provisions related to state bond funding to replace unsafe courthouses. The bill did not receive a hearing.

[HB 3360](#) would have authorized state bonds to remodel, renovate, or expand court facilities -- if the Chief Justice determines the project is “necessary or desirable.” The bill received a do-pass recommendation from the House Committee on Judiciary but did not receive a hearing in the Joint Committee on Ways and Means.

2021: [HB 3280](#) was substantially similar to HB 3360 (2019), above. The bill did not receive a hearing.

2023: [HB 2497](#) would have directed the State Court Administrator to assess courthouses in counties with a population of less than 50,000. The assessment would lead to either state funding for technology, security, and infrastructure or for purchasing property and building a new courthouse. The bill received a hearing but did not move forward.

[HB 3581](#) would have authorized the use of Article XI-Q bonds to expand, remodel, or repair a courthouse and expanded the types of funds or expenditures that could be used by counties to meet the matching-fund requirement. The bill got a do-pass recommendation from the House Committee on Judiciary and was in the Joint Committee on Ways and Means upon adjournment.

2024: [HB 4094](#) was a slightly modified version of HB 3581 (2023). It was amended and passed from the House Committee on Emergency Management, General Government, and Veterans, and was in the Joint Committee on Ways and Means upon adjournment.

2025: [HB 3180](#) would appropriate \$1.25 million to OJD to plan for a Washington County courthouse. The bill did not pass but the funding was approved in [HB 5006](#).

[HB 3369](#) was similar to HB 3581 (2023) and HB 4094 (2024). It was referred to the House Committee on Emergency Management, General Government, and Veterans, but it did not move before the first-chamber deadline.