



Oregon Judicial Department  
Office of the State Court Administrator  
Business and Fiscal Services Division

HB 4168 (ch 48, Or Laws 2012) - OJD STUDY OF  
HISTORICAL FUNDING FOR PROGRAMS FORMERLY  
PAID FOR THROUGH COURT FEES

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County Mediation/Conciliation and Law Library Programs  
December 2012

## INTRODUCTION

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This report is submitted to the Legislative Assembly pursuant to ORS 192.245 by the Business and Fiscal Services Division, Office of the State Court Administrator.

During the 2012 session, the Oregon Legislature passed HB 4168 (ch 48, Or Laws 2012) which made housekeeping changes to address transitional issues that arose as a result of the passage of HB 2710 (ch 595, Or Laws 2011). HB 4168 (section 15) also directs the State Court Administrator to conduct a study of the historical funding that mediation/conciliation programs and law libraries received from court fees before October 1, 2011, when the new court fee structure became operative. The results of the study should reflect the difference between the historical funding of the programs from court fees and the funding provided for the programs through General Fund appropriations, including the difference by individual counties. For purposes of the study, the program funding shifts occurred on the July 1, 2011, effective date of the bill and the beginning of the biennium.

For reference, section 15 of HB 4168 (ch 48, Or Laws 2012) provides:

### **FUNDING FOR PROGRAMS FORMERLY PAID FOR THROUGH COURT FEES**

SECTION 15. The State Court Administrator shall conduct a study of the historical funding that the programs and entities identified in ORS 21.007 received from court fees before October 1, 2011. The study must identify whether the distributions to individual counties under ORS 21.007 (1) and (2) are consistent with the historical funding received by those counties from court fees before October 1, 2011, for the purposes identified in ORS 21.007 (1) and (2). The State Court Administrator shall make a report to the Legislative Assembly in the manner provided by ORS 192.245 not later than December 31, 2012, that includes the results of the study and that reflects:

(1) The difference between the historical funding from court fees of the programs and entities identified in ORS 21.007 and the funding provided for the programs and entities through appropriations for the 2011-2013 biennium pursuant to ORS 21.007; and

(2) The difference between the historical funding of individual counties from court fees for the purposes identified in ORS 21.007 (1) and (2) and the funding provided to each of those counties through appropriations for the 2011-2013 biennium pursuant to ORS 21.007.

## BACKGROUND

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In 2011, the Oregon Legislature passed HB 2710 (ch 595, Or Laws 2011) with an effective date of July 1, 2011. This bill revised the laws relating to court fees by establishing a standard filing fee for general civil proceedings and establishing other clearly delineated filing fees for special matters, including domestic relations cases and simple proceedings. These fees are flat and uniform across the state. The bill also eliminated add-ons, surcharges, and other variable fees.

Section 1 of HB 2710, codified at ORS 21.005, clearly provides that all fees and charges collected by circuit courts must be deposited in the General Fund effective July 1, 2011.

Section 3 of HB 2710, codified at ORS 21.007, changed the way counties received funding for the purposes of mediation/conciliation services and operating law libraries. These programs were previously funded by court fees before the 2011-13 biennium and this section of the bill changed the funding for these programs to General Fund appropriations beginning July 1, 2011.

#### IMPACT TO PROGRAM FUNDING

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The legislative intent was to provide a General Fund appropriation that was equivalent to the historical funding these programs received in prior years, to the extent possible given budget restraints, and excluding any temporary revenue increases due to the temporary HB 2287 (ch 659, Or Laws 2009) surcharges. HB 5056 (ch 623, Or Laws 2011) appropriated \$7,400,000 to the Judicial Department for mediation/conciliation programs and directed the Chief Justice to consult with presiding judges before making any distributions to counties. HB 5056 (2011) also appropriated \$7,400,000 to the Judicial Department for law library operations and services and directed the Judicial Department to distribute the monies appropriated to the counties based on revenue received from filing fees collected during the 2009-11 biennium in civil actions commenced in the circuit court for the county. These two appropriations were each reduced by 3.5%, or 259,000, by SB 5701 (ch 110, Or Laws 2012).

Appendix 1 provides the historical funding for mediation/conciliation programs by county and the statewide program total. Changes in the proportion of total mediation revenue distributed to counties from 2007-09 to 2009-11 was driven by case filings and fees (the old system). The Judicial Department is distributing the 2011-13 General Fund appropriation to each county based on their proportion of total mediation/conciliation revenue received in 2009-11. Overall mediation/conciliation program funding decreased from 2009-11 to 2011-13 by 7% due to budget shortfalls.

Appendix 2 provides the historical funding for law library programs by county and the statewide program total. Changes in the proportion of total law library revenue distributed to counties from 2007-09 to 2009-11 was driven by case filings and fees (the old system). The Judicial Department is distributing the 2011-13 General Fund appropriation to each county based on their proportion of total law library revenue received in 2009-11. Overall law library program funding decreased from 2009-11 to 2011-13 by a total of 29% due to the sunset of HB 2287 temporary surcharges (\$2,343,564) and budget shortfalls (\$553,060). The legislature based the 2011-13 General Fund appropriation for law libraries on the 2007-09 funding level to exclude the one-time revenue increase from HB 2887 temporary surcharges received in 2009-11. Overall law library program funding decreased from 2007-09 to 2011-13 by 7% due to budget shortfalls.

Electronic or paper copies of this report may be requested from the Office of the State Court Administrator by email at [Sandy.L.Hilfiker@ojd.state.or.us](mailto:Sandy.L.Hilfiker@ojd.state.or.us).

Appendix 1 – Historical Funding for County Mediation and Conciliation Programs

County	2007-09 Total Revenue	2007-09 % of Total Revenue	2009-11 Total Revenue	2009-11 % of Total Revenue	2011-13 Total Revenue	2011-13 % of Total Revenue
Baker	\$ 26,465.32	0.36%	\$ 24,612.00	0.32%	\$ 22,950.85	0.32%
Benton	\$ 77,153.54	1.05%	\$ 73,898.37	0.96%	\$ 68,910.71	0.97%
Clackamas	\$ 959,913.79	13.01%	\$ 1,066,531.86	13.93%	\$ 994,589.92	13.93%
Clatsop	\$ 73,043.44	0.99%	\$ 67,154.49	0.88%	\$ 62,622.00	0.88%
Columbia	\$ 75,890.29	1.03%	\$ 70,718.48	0.92%	\$ 65,945.45	0.92%
Coos	\$ 72,661.50	0.98%	\$ 79,397.50	1.04%	\$ 74,038.69	1.04%
Crook	\$ 39,414.29	0.53%	\$ 33,298.00	0.43%	\$ 31,050.60	0.43%
Curry	\$ 22,650.00	0.31%	\$ 20,171.00	0.26%	\$ 18,809.59	0.26%
Deschutes	\$ 381,791.25	5.17%	\$ 438,693.50	5.73%	\$ 409,084.57	5.73%
Douglas	\$ 154,962.13	2.10%	\$ 148,015.89	1.93%	\$ 138,025.79	1.93%
Gilliam						
Grant	\$ 8,953.00	0.12%	\$ 7,766.00	0.10%	\$ 7,241.85	0.10%
Harney	\$ 8,282.50	0.11%	\$ 7,860.00	0.10%	\$ 7,329.50	0.10%
Hood River	\$ 59,856.95	0.81%	\$ 70,580.38	0.92%	\$ 65,816.78	0.92%
Jackson	\$ 392,881.30	5.32%	\$ 379,143.58	4.95%	\$ 353,553.88	4.95%
Jefferson	\$ 26,598.60	0.36%	\$ 26,819.50	0.35%	\$ 25,009.36	0.35%
Josephine	\$ 189,845.60	2.57%	\$ 167,098.81	2.18%	\$ 155,820.74	2.18%
Klamath	\$ 100,192.94	1.36%	\$ 90,038.45	1.18%	\$ 83,961.45	1.18%
Lake	\$ 6,345.00	0.09%	\$ 8,082.50	0.11%	\$ 7,536.98	0.11%
Lane	\$ 717,997.58	9.73%	\$ 791,420.58	10.33%	\$ 737,934.95	10.33%
Linn	\$ 181,564.53	2.46%	\$ 163,303.57	2.13%	\$ 152,281.65	2.13%
Lincoln	\$ 38,001.50	0.51%	\$ 42,638.28	0.56%	\$ 39,760.48	0.56%
Malheur	\$ 42,174.46	0.57%	\$ 36,849.00	0.48%	\$ 34,361.93	0.48%
Marion	\$ 721,274.86	9.77%	\$ 691,358.23	9.03%	\$ 644,696.09	9.03%
Multnomah	\$ 1,517,233.76	20.56%	\$ 1,589,005.88	20.75%	\$ 1,481,758.41	20.75%
Morrow	\$ 17,524.00	0.24%	\$ 25,826.00	0.34%	\$ 24,082.91	0.34%
Polk	\$ 78,804.25	1.07%	\$ 85,596.83	1.12%	\$ 79,819.61	1.12%
Sherman						
Tillamook	\$ 30,138.23	0.41%	\$ 27,247.00	0.36%	\$ 25,408.01	0.36%
Umatilla	\$ 187,528.84	2.54%	\$ 193,586.17	2.53%	\$ 180,520.37	2.53%
Union	\$ 45,788.68	0.62%	\$ 54,150.12	0.71%	\$ 50,495.28	0.71%
Wallowa	\$ 9,666.00	0.13%	\$ 12,666.00	0.17%	\$ 11,811.13	0.17%
Wasco						
Wheeler						
Washington	\$ 958,541.31	12.99%	\$ 1,005,231.59	13.13%	\$ 937,338.43	13.13%
Yamhill	\$ 157,239.73	2.13%	\$ 159,175.34	2.08%	\$ 148,432.05	2.08%
	<b>\$ 7,380,379.17</b>	<b>100.00%</b>	<b>\$ 7,657,934.90</b>	<b>100.00%</b>	<b>\$ 7,141,000.00</b>	<b>100.00%</b>

Note: Gilliam, Sherman, Wasco, and Wheeler Counties are a combined check with Hood River

Appendix 2 – Historical Funding for County Law Library Operations and Services

County	2007-09 Total Revenue	2007-09 % of Total Revenue	2009-11 Total Revenue	2009-11 % of Total Revenue	2011-13 Total Revenue	2011-13 % of Total Revenue
Baker	\$ 20,390.00	0.27%	\$ 26,405.00	0.26%	\$ 18,785.13	0.26%
Benton	\$ 101,351.50	1.32%	\$ 115,791.50	1.15%	\$ 82,382.45	1.15%
Clackamas	\$ 703,901.36	9.15%	\$ 967,313.39	9.64%	\$ 688,169.20	9.64%
Clatsop	\$ 92,956.00	1.21%	\$ 129,873.00	1.29%	\$ 92,394.67	1.29%
Columbia	\$ 91,843.34	1.19%	\$ 112,838.00	1.12%	\$ 80,275.57	1.12%
Coos	\$ 159,435.29	2.07%	\$ 172,817.03	1.72%	\$ 122,946.05	1.72%
Crook	\$ 46,312.00	0.60%	\$ 58,701.00	0.58%	\$ 41,761.25	0.58%
Curry	\$ 48,700.40	0.63%	\$ 61,120.93	0.61%	\$ 43,482.85	0.61%
Deschutes	\$ 343,634.50	4.47%	\$ 506,886.20	5.05%	\$ 360,610.61	5.05%
Douglas	\$ 236,473.85	3.07%	\$ 252,413.57	2.51%	\$ 179,572.87	2.51%
Gilliam	\$ 2,677.00	0.03%	\$ 3,125.00	0.03%	\$ 2,223.20	0.03%
Grant	\$ 6,892.00	0.09%	\$ 11,258.00	0.11%	\$ 8,009.20	0.11%
Harney	\$ 6,667.00	0.09%	\$ 9,530.00	0.09%	\$ 6,779.86	0.09%
Hood River	\$ 33,850.00	0.44%	\$ 40,759.00	0.41%	\$ 28,996.90	0.41%
Jackson	\$ 492,124.88	6.40%	\$ 576,070.52	5.74%	\$ 409,829.94	5.74%
Jefferson	\$ 34,870.00	0.45%	\$ 44,340.00	0.44%	\$ 31,544.51	0.44%
Josephine	\$ 207,522.53	2.70%	\$ 239,338.84	2.38%	\$ 170,271.21	2.38%
Klamath	\$ 160,636.46	2.09%	\$ 183,502.38	1.83%	\$ 130,547.85	1.83%
Lake	\$ 12,612.00	0.16%	\$ 15,900.50	0.16%	\$ 11,311.98	0.16%
Lane	\$ 688,824.62	8.95%	\$ 802,358.50	7.99%	\$ 570,806.50	7.99%
Linn	\$ 243,753.54	3.17%	\$ 252,962.86	2.52%	\$ 179,963.65	2.52%
Lincoln	\$ 96,562.43	1.26%	\$ 111,287.76	1.11%	\$ 79,172.70	1.11%
Malheur	\$ 29,735.00	0.39%	\$ 38,345.00	0.38%	\$ 27,279.52	0.38%
Marion	\$ 552,605.44	7.18%	\$ 744,193.43	7.41%	\$ 529,436.48	7.41%
Multnomah	\$ 1,811,619.96	23.55%	\$ 2,695,512.58	26.85%	\$ 1,917,650.22	26.85%
Morrow	\$ 12,628.00	0.16%	\$ 17,372.00	0.17%	\$ 12,358.84	0.17%
Polk	\$ 98,660.00	1.28%	\$ 137,068.00	1.37%	\$ 97,513.36	1.37%
Sherman	\$ 2,096.00	0.03%	\$ 2,231.00	0.02%	\$ 1,587.19	0.02%
Tillamook	\$ 44,292.00	0.58%	\$ 49,525.81	0.49%	\$ 35,238.79	0.49%
Umatilla	\$ 134,108.25	1.74%	\$ 157,312.24	1.57%	\$ 111,915.58	1.57%
Union	\$ 43,945.00	0.57%	\$ 50,643.00	0.50%	\$ 36,028.61	0.50%
Wallowa	\$ 11,832.17	0.15%	\$ 13,259.00	0.13%	\$ 9,432.76	0.13%
Wasco	\$ 53,267.50	0.69%	\$ 61,650.00	0.61%	\$ 43,859.24	0.61%
Wheeler	\$ 1,566.00	0.02%	\$ 2,230.00	0.02%	\$ 1,586.47	0.02%
Washington	\$ 886,112.04	11.52%	\$ 1,162,365.61	11.58%	\$ 826,933.88	11.58%
Yamhill	\$ 179,602.22	2.33%	\$ 211,324.13	2.11%	\$ 150,340.89	2.11%
	<b>\$ 7,694,060.28</b>	<b>100.00%</b>	<b>\$ 10,037,624.78</b>	<b>100.00%</b>	<b>\$ 7,141,000.00</b>	<b>100.00%</b>