

# PROGRAMS – PASS THROUGHS

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## Pass-Throughs

Starting in the 2011-13 biennium, a new General Fund appropriation was established for External Pass-Through payments for funding of

- County law libraries
- County mediation/conciliation programs
- Biennial funding for Council on Court Procedures
- Biennial funding for Oregon Law Commission

During prior biennia, funding for these programs was provided through revenue transfers from court fees or appropriations from the Legislature. In the 2011 Legislative Session, changes were made and funding for these programs was added to the Oregon Judicial Department (OJD) budget.

### **Background**

In 2011, the Oregon Legislature passed HB 2710 (chapter 595, Oregon 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, 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.

In the 2013-15 Session, the \$11.9 million Legal Aid payments in ORS 9.577 (3), which in prior biennium had been pulled and sent from court fees, was established as a separate Other Funds limitation in the OJD budget.

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## **Law Libraries and Conciliation and Mediation Services**

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 exclude any temporary revenue increases due to the temporary HB 2287 (2009) surcharges. HB 5056 (2011) appropriated \$7.4 million to OJD 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 \$7.4 million to OJD for county law library operations and services and directed OJD 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 percent, or \$259,000, by SB 5701 (2012).

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). OJD 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 percent due to the sunset of the HB 2287 temporary surcharges (\$2,343,564) and budget shortfalls (\$553,060).

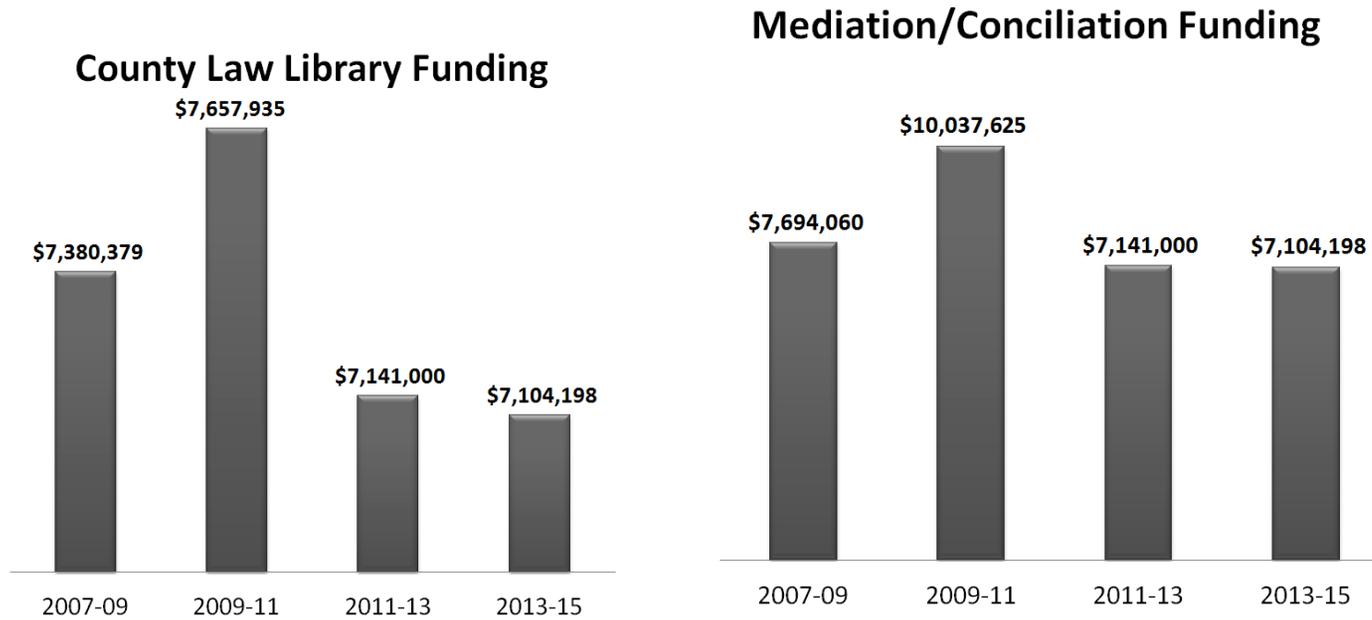
The Legislature based the 2011-13 General Fund appropriation for law libraries on the 2007-09 funding level to exclude the one-time revenue increase from HB 2887 temporary surcharges received in 2009-11. Overall law library program funding decreased from 2007-09 to 2011-13 by 7 percent due to budget shortfalls.

For the 2013-15 biennium, the initial distribution amount was set at \$7,212,384 for Law Library funding and Mediation/Conciliation funding, but HB 5008 reduced the amount by \$144,248 for a 2% holdback. The 2014 legislative session returned \$36,062 of the holdback.

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Below are charts of the overall County Law Library & Mediation/Conciliation funding since the 2007-2009 biennium



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The following table outlines the distributions by county for mediation/conciliation funding and county law library funding:

County	Mediation/Conciliation Funding				County Law Library & Library Services Funding			
	2007-09 Total Distribution	2009-11 Total Distribution	2011-13 Total Distribution	2013-15 Total Distribution	2007-09 Total Distribution	2009-11 Total Distribution	2011-13 Total Distribution	2013-15 Total Distribution
Baker	\$ 26,465	\$ 24,612	\$ 22,951	\$ 23,500	\$ 20,390	\$ 26,405	\$ 18,785	\$ 18,727
Benton	\$ 77,154	\$ 73,898	\$ 68,911	\$ 71,269	\$ 101,352	\$ 115,792	\$ 82,382	\$ 82,884
Clackamas	\$ 959,914	\$ 1,066,532	\$ 994,590	\$ 992,714	\$ 703,901	\$ 967,313	\$ 688,169	\$ 690,254
Clatsop	\$ 73,043	\$ 67,154	\$ 62,622	\$ 61,278	\$ 92,956	\$ 129,873	\$ 92,395	\$ 92,292
Columbia	\$ 75,890	\$ 70,718	\$ 65,945	\$ 64,430	\$ 91,843	\$ 112,838	\$ 80,276	\$ 79,988
Coos	\$ 72,662	\$ 79,398	\$ 74,039	\$ 74,217	\$ 159,435	\$ 172,817	\$ 122,946	\$ 121,273
Crook	\$ 39,414	\$ 33,298	\$ 31,051	\$ 30,899	\$ 46,312	\$ 58,701	\$ 41,761	\$ 41,645
Curry	\$ 22,650	\$ 20,171	\$ 18,810	\$ 18,824	\$ 48,700	\$ 61,121	\$ 43,483	\$ 43,787
Deschutes	\$ 381,791	\$ 438,694	\$ 409,085	\$ 413,225	\$ 343,635	\$ 506,886	\$ 360,611	\$ 360,840
Douglas	\$ 154,962	\$ 148,016	\$ 138,026	\$ 139,068	\$ 236,474	\$ 252,414	\$ 179,573	\$ 179,972
Gilliam				\$ 2,893	\$ 2,677	\$ 3,125	\$ 2,223	\$ 2,151
Grant	\$ 8,953	\$ 7,766	\$ 7,242	\$ 7,228	\$ 6,892	\$ 11,258	\$ 8,009	\$ 7,722
Harney	\$ 8,283	\$ 7,860	\$ 7,330	\$ 7,178	\$ 6,667	\$ 9,530	\$ 6,780	\$ 6,461
Hood River	\$ 59,857	\$ 70,580	\$ 65,817	\$ 24,382	\$ 33,850	\$ 40,759	\$ 28,997	\$ 28,836
Jackson	\$ 392,881	\$ 379,144	\$ 353,554	\$ 358,151	\$ 492,125	\$ 576,071	\$ 409,830	\$ 409,012
Jefferson	\$ 26,599	\$ 26,820	\$ 25,009	\$ 23,304	\$ 34,870	\$ 44,340	\$ 31,545	\$ 31,475
Josephine	\$ 189,846	\$ 167,099	\$ 155,821	\$ 152,979	\$ 207,523	\$ 239,339	\$ 170,271	\$ 167,003
Klamath	\$ 100,193	\$ 90,038	\$ 83,961	\$ 82,624	\$ 160,636	\$ 183,502	\$ 130,548	\$ 128,487
Lake	\$ 6,345	\$ 8,083	\$ 7,537	\$ 7,684	\$ 12,612	\$ 15,901	\$ 11,312	\$ 11,137
Lane	\$ 717,998	\$ 791,421	\$ 737,935	\$ 736,794	\$ 688,825	\$ 802,359	\$ 570,807	\$ 568,540
Linn	\$ 181,565	\$ 163,304	\$ 152,282	\$ 38,241	\$ 243,754	\$ 252,963	\$ 179,964	\$ 179,367
Lincoln	\$ 38,002	\$ 42,638	\$ 39,760	\$ 152,239	\$ 96,562	\$ 111,288	\$ 79,173	\$ 77,438
Malheur	\$ 42,174	\$ 36,849	\$ 34,362	\$ 33,842	\$ 29,735	\$ 38,345	\$ 27,280	\$ 27,739
Marion	\$ 721,275	\$ 691,358	\$ 644,696	\$ 618,204	\$ 552,605	\$ 744,193	\$ 529,436	\$ 524,378
Multnomah	\$ 1,517,234	\$ 1,589,006	\$ 1,481,758	\$ 1,488,440	\$ 1,811,620	\$ 2,695,513	\$ 1,917,650	\$ 1,903,260
Morrow	\$ 17,524	\$ 25,826	\$ 24,083	\$ 23,379	\$ 12,628	\$ 17,372	\$ 12,359	\$ 12,604
Polk	\$ 78,804	\$ 85,597	\$ 79,820	\$ 81,393	\$ 98,660	\$ 137,068	\$ 97,513	\$ 97,602
Sherman				\$ 1,033	\$ 2,096	\$ 2,231	\$ 1,587	\$ 1,660
Tillamook	\$ 30,138	\$ 27,247	\$ 25,408	\$ 25,186	\$ 44,292	\$ 49,526	\$ 35,239	\$ 34,803
Umatilla	\$ 187,529	\$ 193,586	\$ 180,520	\$ 181,744	\$ 134,108	\$ 157,312	\$ 111,916	\$ 112,290
Union	\$ 45,789	\$ 54,150	\$ 50,495	\$ 50,462	\$ 43,945	\$ 50,643	\$ 36,029	\$ 35,584
Wallowa	\$ 9,666	\$ 12,666	\$ 11,811	\$ 12,221	\$ 11,832	\$ 13,259	\$ 9,433	\$ 9,464
Wasco				\$ 36,752	\$ 53,268	\$ 61,650	\$ 43,859	\$ 44,276
Wheeler				\$ 1,550	\$ 1,566	\$ 2,230	\$ 1,586	\$ 1,705
Washington	\$ 958,541	\$ 1,005,232	\$ 937,338	\$ 918,901	\$ 886,112	\$ 1,162,366	\$ 826,934	\$ 821,123
Yamhill	\$ 157,240	\$ 159,175	\$ 148,432	\$ 147,970	\$ 179,602	\$ 211,324	\$ 150,341	\$ 148,419
	<b>\$ 7,380,379</b>	<b>\$ 7,657,935</b>	<b>\$ 7,141,000</b>	<b>\$ 7,104,198</b>	<b>\$ 7,694,060</b>	<b>\$ 10,037,625</b>	<b>\$ 7,141,000</b>	<b>\$ 7,104,198</b>

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## **Council on Court Procedures**

Established in 1977 by ORS 1.725 to 1.750, the Council on Court Procedures promulgates rules governing pleading, practice, and procedure in all civil proceedings in the circuit courts of the state. Proposed amendments to the rules are submitted to the Legislature in January of odd-numbered years and go into effect on January 1 of the following even-numbered year unless amended, repealed, or supplemented by the Legislature.

For the 2011-13 biennium, External Pass-Through funding was provided for the Council in the amount of \$52,000. Funding was not impacted by reductions in Pass-Through funding from the 2012 Legislative Session. In the 2009-11 biennium, funding for the Council was provided through the Office of Legislative Council (LC).

For the 2013-15 biennium, the initial funding was established at \$52,000, but HB 5008 reduced the funding by \$1,040 for a 2% holdback. The 2014 Legislative session returned \$260 in funding.

## **Oregon Law Commission**

The 1997 Legislative Assembly adopted legislation creating the Oregon Law Commission (ORS173.315). By statute, the Commission's function is to "conduct a continuous substantive law revision program ..." (ORS 173.315). The Commission provides assistance to the Legislature in proposing modifications of statutes by

- Identifying and selecting law reform projects
- Researching the area of law at issue, including other states' laws to see how they deal with similar problems
- Communicating with and educating those who may be affected by proposed reforms
- Drafting proposed legislation, comments, and reports for legislative consideration

For the 2011-13 biennium, External Pass-Through funding was provided for the Commission in the amount of \$223,000. Funding was not impacted by reductions in Pass-Through funding from the 2012 Legislative Session. In the 2009-11 biennium, funding for the Commission was provided through the Office of Legislative Council (LC).

For the 2013-15 biennium, the initial funding was established at \$224,582, but HB 5008 reduced the funding by \$4,492 for a 2% holdback. The 2014 Legislative session returned \$1,123 in funding.

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## Legal Aid

In 1996, the Legislative Assembly established the Legal Services Program (ORS 9.572), under the Oregon State Bar. This program helps to offer legal aid to individuals for non criminal cases. Over 98% of the yearly budget for the Legal Services Program comes from filing fees collected by the Oregon Judicial department. OJD deposits filing fee revenues in the Legal Aid Account, ORS 9.577, and the State Court Administrator is required to fund \$11.9 million per biennium to the account in quarterly distributions.

Prior to the 2013-15 biennium, distributions to the Legal Aid Account where performed before normal General Fund distributions. For the 2013-15 biennium, the distributions where added to Pass-Throughs, as an Other Funds payment, to correctly account for the distributions.

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## Current Service Level

The Current Service Level (CSL) totals \$27 million (All Funds). This reflects a \$0.6 million (2.3 percent) increase over the 2013-15 Legislatively Approved Budget.

## Chief Justice’s Recommended Budget

The Chief Justice’s Recommended Budget for the 2015-17 biennium totals \$14.9 million (All Funds) and does not contain any policy option packages.

### Third-Party Collections Budget Summary

	2011-13 Actual Expenditures	2013-15 Legislatively Approved Budget	2015-17 Current Service Level (CSL)	2015-17 Chief Justice’s Recommended*
General Fund	\$14,557,000	\$14,530,829	\$15,142,390	\$15,142,390
Other Funds		\$11,900,000	\$11,900,000	\$11,900,000
Federal Funds				
Nonlimited (Other)				
<b>TOTAL – ALL FUNDS</b>	<b>\$14,557,000</b>	<b>\$26,430,829</b>	<b>\$27,042,390</b>	<b>\$27,042,390</b>
Positions		0	0	0
FTE		0	0	0

\* Includes CSL and all policy option packages.

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## Essential Packages

### Purpose

The essential packages present budget adjustments needed to bring the legislatively approved budget to Current Service Level (CSL), the calculated cost of continuing legislatively approved programs into the 2015-17 biennium.

### Staffing Impact

No staff is contained in External Pass-Throughs.

### Revenue Source

General Fund Appropriation.

#### **021 Phase-In**

The External Pass-Throughs budget has no adjustment for phased-in programs.

#### **022 Phase-Out Program and One-Time Costs**

The External Pass-Throughs budget had a phase-out of \$50,000 General Funds.

#### **031 Inflation and Price List Adjustments**

The cost of goods and services increases General Fund totals by \$441,040. This reflects the standard inflation rate of 3.0 percent on goods and services.

#### **040 Mandated Caseload**

The External Pass-Throughs budget has no adjustment for mandated caseload

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## **050 Fund Shifts**

The External Pass-Throughs budget has no fund shifts within its CSL budget.

## **060 Technical Adjustments**

The External Pass-Throughs budget has no technical adjustments within its CSL budget.

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## ORBITS and PICS Reports

### BPR013 – ORBITS Essential and Policy Package Fiscal Impact Summary

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept

Pkg: 022 - Phase-out Pgm & One-time Costs

Cross Reference Name: External Pass-Throughs

Cross Reference Number: 19800-220-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	(50,000)	-	-	-	-	-	(50,000)
<b>Total Revenues</b>	<b>(\$50,000)</b>	-	-	-	-	-	<b>(\$50,000)</b>
<b>Special Payments</b>							
Dist to Counties	(50,000)	-	-	-	-	-	(50,000)
<b>Total Special Payments</b>	<b>(\$50,000)</b>	-	-	-	-	-	<b>(\$50,000)</b>
<b>Total Expenditures</b>							
Total Expenditures	(50,000)	-	-	-	-	-	(50,000)
<b>Total Expenditures</b>	<b>(\$50,000)</b>	-	-	-	-	-	<b>(\$50,000)</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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Essential and Policy Package Fiscal Impact Summary - BPR013

# PROGRAMS – PASS THROUGHS

## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 031 - Standard Inflation

Cross Reference Name: External Pass-Throughs  
Cross Reference Number: 19800-220-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	441,040	-	-	-	-	-	441,040
<b>Total Revenues</b>	<b>\$441,040</b>	-	-	-	-	-	<b>\$441,040</b>
<b>Special Payments</b>							
Dist to Counties	432,743	-	-	-	-	-	432,743
Dist to Non-Gov Units	8,297	-	-	-	-	-	8,297
<b>Total Special Payments</b>	<b>\$441,040</b>	-	-	-	-	-	<b>\$441,040</b>
<b>Total Expenditures</b>							
Total Expenditures	441,040	-	-	-	-	-	441,040
<b>Total Expenditures</b>	<b>\$441,040</b>	-	-	-	-	-	<b>\$441,040</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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## BPR012 – ORBITS Detail of Lottery Funds, Other Funds, and Federal Funds Revenue

### DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Judicial Dept  
2015-17 Biennium

Agency Number: 19800  
Cross Reference Number: 19800-220-00-00-00000

Source	2011-13 Actuals	2013-15 Leg Adopted Budget	2013-15 Leg Approved Budget	2015-17 Agency Request Budget	2015-17 Governor's Budget	2015-17 Leg Adopted Budget
<b>Other Funds</b>						
Transfer In - Intrafund	-	11,900,000	11,900,000	11,900,000	-	-
<b>Total Other Funds</b>	-	<b>\$11,900,000</b>	<b>\$11,900,000</b>	<b>\$11,900,000</b>	-	-