

# PROGRAMS – PASS-THROUGHS

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## Pass-Throughs

For 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
- One-time payment to Tri-County Metropolitan Transportation District of Oregon (TRIMET) of \$77,860

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.

### Impact to Funding 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.

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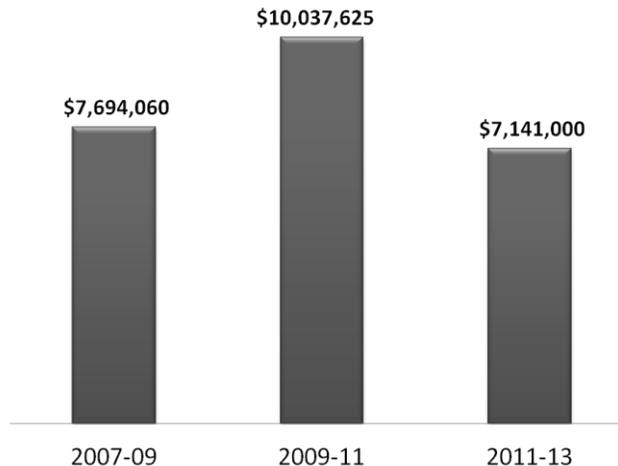
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HB 5056 (2011) appropriated \$7.4 million to OJD for mediation/conciliation programs and directed the Chief Justice to consult with presiding judges before making any distributions to counties. HB 5056 (2011) also appropriated \$7.4 million to OJD 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.

### County Law Library Funding

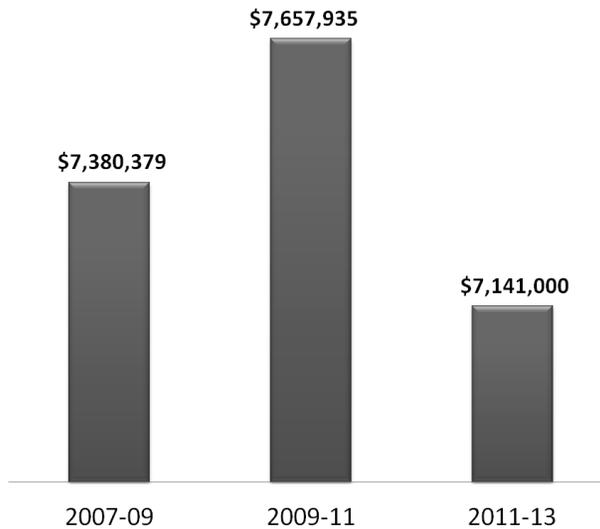


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Changes in the proportion of total mediation revenue distributed to counties from 2007-09 to 2009-11 was driven by case filings and fees (the old system). OJD is distributing the 2011-13 General Fund appropriation to each county based on their proportion of total mediation/conciliation revenue received in 2009-11. Overall mediation/conciliation program funding decreased from 2009-11 to 2011-13 by 7 percent in total funding provided.

## Mediation/Conciliation Funding



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

## **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).

## **One-time payment to Tri-County Metropolitan Transportation District of Oregon (TRIMET) of \$77,860**

During the 2012 Legislative Session, HB 4167 established a one-time special payment to TRIMET in the amount of \$77,860 for fines that were collected between January 1, 2012, and April 1, 2012, but were not distributed to TRIMET due to HB 2712 distribution changes passed during the 2011 Legislative Session.

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## Current Service Level

The Current Service Level (CSL) includes Emergency Board and legislative actions through September 2012. The CSL totals \$14.9 million (All Funds). This reflects a \$0.3 million (2.4 percent) increase over the 2011-13 Legislatively Approved Budget.

## Chief Justice’s Recommended Budget

The Chief Justice’s Recommended Budget for the 2013-15 biennium totals \$14.9 million (All Funds) and does not contain any policy option packages.

### Third-Party Collections Budget Summary

	2009-11 Actual Expenditures	2011-13 Legislatively Approved Budget	2013-15 Current Service Level (CSL)	2013-15 Chief Justice’s Recommended*
General Fund		\$14,552,100	\$14,901,350	\$14,901,350
Other Funds		\$77,860		
Federal Funds				
Nonlimited (Other)				
<b>TOTAL – ALL FUNDS</b>	<b>NA</b>	<b>\$14,629,960</b>	<b>\$14,901,350</b>	<b>\$14,901,350</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 2013-15 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 a one-time payment to TRIMET of \$77,860 Other Funds.

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

The cost of goods and services increases General Fund totals by \$349,250. This reflects the standard inflation rate of 2.4 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.

# PROGRAMS – PASS-THROUGHS

***ORBITS and PICS Reports***

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

**ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY**

Judicial Dept	Cross Reference Name: External Pass-Throughs
Pkg: 022 - Phase-out Pgm & One-time Costs	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>Special Payments</b>							
Dist to Other Gov Unit	-	-	(77,860)	-	-	-	(77,860)
<b>Total Special Payments</b>	-	-	<b>(\$77,860)</b>	-	-	-	<b>(\$77,860)</b>
<b>Total Expenditures</b>							
Total Expenditures	-	-	(77,860)	-	-	-	(77,860)
<b>Total Expenditures</b>	-	-	<b>(\$77,860)</b>	-	-	-	<b>(\$77,860)</b>
<b>Ending Balance</b>							
Ending Balance	-	-	77,860	-	-	-	77,860
<b>Total Ending Balance</b>	-	-	<b>\$77,860</b>	-	-	-	<b>\$77,860</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	349,250	-	-	-	-	-	349,250
<b>Total Revenues</b>	<b>\$349,250</b>	-	-	-	-	-	<b>\$349,250</b>
<b>Special Payments</b>							
Dist to Counties	342,768	-	-	-	-	-	342,768
Dist to Non-Gov Units	6,482	-	-	-	-	-	6,482
<b>Total Special Payments</b>	<b>\$349,250</b>	-	-	-	-	-	<b>\$349,250</b>
<b>Total Expenditures</b>							
Total Expenditures	349,250	-	-	-	-	-	349,250
<b>Total Expenditures</b>	<b>\$349,250</b>	-	-	-	-	-	<b>\$349,250</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

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

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

Judicial Dept		Agency Number: 19800				
2013-15 Biennium		Cross Reference Number: 19800-220-00-00-00000				
Source	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Rec. Budget	2013-15 Leg Adopted Budget
<b>Other Funds</b>						
Transfer In Other	-	-	77,860	-	-	-
<b>Total Other Funds</b>	-	-	<b>\$77,860</b>	-	-	-

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Detail of LF, OF, and FF Revenues - BPR012

# PROGRAMS – PASS-THROUGHS

**BPR007A – ORBITS Program Unit Appropriated Fund Group and Category Summary**

*Judicial Dept*

*Agency Number: 19800*

Program Unit Appropriated Fund Group and Category Summary  
2013-15 Biennium  
External Pass-Throughs

Version: V - 01 - Agency Request Budget  
Cross Reference Number: 19800-220-00-00-00000

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Rec. Budget	2013-15 Leg Adopted Budget
<b>LIMITED BUDGET (Excluding Packages)</b>						
<b>SPECIAL PAYMENTS</b>						
General Fund	-	15,075,000	14,552,100	14,552,100	-	-
Other Funds	-	-	77,860	77,860	-	-
All Funds	-	15,075,000	14,629,960	14,629,960	-	-
<b>TOTAL LIMITED BUDGET (Excluding Packages)</b>						
General Fund	-	15,075,000	14,552,100	14,552,100	-	-
Other Funds	-	-	77,860	77,860	-	-
All Funds	-	15,075,000	14,629,960	14,629,960	-	-
<b>LIMITED BUDGET (Essential Packages)</b>						
<b>022 PHASE-OUT PGM &amp; ONE-TIME COSTS</b>						
<b>SPECIAL PAYMENTS</b>						
Other Funds	-	-	-	(77,860)	-	-
<b>031 STANDARD INFLATION</b>						
<b>SPECIAL PAYMENTS</b>						
General Fund	-	-	-	349,250	-	-
<b>TOTAL LIMITED BUDGET (Essential Packages)</b>						
General Fund	-	-	-	349,250	-	-
Other Funds	-	-	-	(77,860)	-	-
All Funds	-	-	-	271,390	-	-

**LIMITED BUDGET (Current Service Level)**

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Program Unit Appropriated Fund and Category Summary- BPR007A

# PROGRAMS – PASS-THROUGHS

**Judicial Dept**

**Agency Number: 19800**

**Program Unit Appropriated Fund Group and Category Summary**  
**2013-15 Biennium**  
**External Pass-Throughs**

Version: V - 01 - Agency Request Budget  
 Cross Reference Number: 19800-220-00-00-00000

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Rec. Budget	2013-15 Leg Adopted Budget
General Fund	-	15,075,000	14,552,100	14,901,350	-	-
Other Funds	-	-	77,860	-	-	-
All Funds	-	15,075,000	14,629,960	14,901,350	-	-
<b>TOTAL LIMITED BUDGET (Including Packages)</b>						
General Fund	-	15,075,000	14,552,100	14,901,350	-	-
Other Funds	-	-	77,860	-	-	-
All Funds	-	15,075,000	14,629,960	14,901,350	-	-
<b>OPERATING BUDGET</b>						
General Fund	-	15,075,000	14,552,100	14,901,350	-	-
Other Funds	-	-	77,860	-	-	-
All Funds	-	15,075,000	14,629,960	14,901,350	-	-
<b>TOTAL BUDGET</b>						
General Fund	-	15,075,000	14,552,100	14,901,350	-	-
Other Funds	-	-	77,860	-	-	-
All Funds	-	15,075,000	14,629,960	14,901,350	-	-

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