

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: Beyer, Kruse, Prozanski, Burdick

Nays: 0

Exc.: Walker

Prepared By: Matt Kalmanson, Counsel

Meeting Dates: 1/23, 3/14

WHAT THE MEASURE DOES: Amends ORS 51.025 to require counties and cities to obtain approval from the Supreme Court before justice courts or municipal courts can become courts of record. Requires counties to provide a court reporter or an audio recording device to courts of record. Requires counties and cities to petition the Supreme Court before courts of record can cease operations. Requires that justice and municipal courts that are operating as courts of record as of January 1, 2008, cease to do so by July 1, 2008, unless the county or city files a petition with the Supreme Court by March 1, 2008 and the Supreme Court enters an order approving the operation of the court by June 30, 2008.

ISSUES DISCUSSED:

- Creation and definition of courts of record
- Court of Appeals need to keep track of status of lower courts to ensure they have jurisdiction to hear appeals
- Nature of filing by local governing body to create a court of record, and duty of Supreme Court to acknowledge filing in timely manner

EFFECT OF COMMITTEE AMENDMENT: Deletes provisions in bill requiring counties and cities to obtain approval from the Supreme Court before justice courts and municipal courts can become courts of record. Requires a governing body, before a justice or municipal court may become a court of record, to file with the Supreme Court a declaration that includes: (1) a statement that the court satisfies the statutory requirements for courts of record; (2) the date when operations of the court will begin; and (3) the address and telephone number of the clerk of the court. Requires the Supreme Court to enter an order acknowledging the filing of the declarations listed above within 30 days and provide notice of the order to the governing body and the public, at which point the justice or municipal court may begin operations as a court of record. Requires courts that are acting as courts of record on January 1, 2008 to file the above declarations with the Supreme Court, including the date when the court began operating as a court of record, by June 30, 2008. Requires a governing body, before a justice or municipal court may cease operations as a court of record, to file a declaration with the Supreme Court identifying the date of which the justice court will cease operations, so long as the date is at least 31 days after the declaration is filed. Precludes the Supreme Court from charging a fee for filing declarations.

BACKGROUND: In 1999, the legislature permitted municipal courts and justice courts to become "courts of records," if certain requirements are met. Appeals from courts of record are to the Court of Appeals rather than circuit courts. In some cases, appellate courts have had to contact individual courts to determine whether they are courts of record. SB 267 creates a process that allows the Supreme Court to keep track of the status of these courts.