

**TESTIMONY ON HOUSE BILL 3369
BEFORE THE HOUSE COMMITTEE ON EMERGENCY MANAGEMENT, GENERAL
GOVERNMENT, AND VETERANS
MARCH 4, 2025**

**PRESENTED BY: PHILLIP LEMMAN, DEPUTY STATE COURT ADMINISTRATOR
OREGON JUDICIAL DEPARTMENT**

Chair Tran, Vice-Chairs Grayber and Lewis, and Members of the Committee:

The Oregon Judicial Department (OJD) appreciates the important reasons behind HB 3369. Many counties cannot afford to adequately maintain their courthouses, and even with the state providing up to 50 percent of the cost to replace a courthouse, that too can be out of reach. As a result, more and more county courthouses are beyond their expected lifespan, with fewer opportunities to maintain, modernize, or replace them.

OJD is not taking a position on HB 3369, but we are working with Representative Boice on amendments to clarify and strengthen its provisions, which are modeled on the current statutory requirements for using state bonds to replace unsafe courthouses. We also would encourage the legislature to look at a more comprehensive solution to the problem that HB 3369 was introduced to help address.

As you have heard, counties are, by statute, responsible for providing “suitable and sufficient” courtrooms, offices, and jury rooms for the court, and to provide maintenance and utilities for those facilities. ORS 1.185. This requirement has been in place since 1981, when the legislature created our unified state court system and relieved counties of the responsibility to provide court staff and operations, and to manage public defense services in state courts. The state either retained or assumed responsibility for pretrial release officers, jury costs, and other court supports, while counties retained costs for criminal prosecution, juvenile departments, probation officers, security personnel, law libraries, and family conciliation personnel costs as part of this “Grand Bargain.”

While counties continue to be responsible for providing “suitable and sufficient” court facilities, the state provides three kinds of funding support to assist counties with that duty, generally requested through the Chief Justice’s Recommended Budget (CJRB).

First, the Chief Justice is directed by statute to develop a biennial plan for state-supported capital improvements to county courthouses. That plan takes the form of a budget request in the CJRB, with funding requested from the Criminal Fine Account for a list of projects, developed and prioritized in conjunction with the Association of Oregon Counties. These generally involve improvements or maintenance up to \$2 million.

The second element is planning funds to counties wanting to replace unsafe courthouses. These also are requested in the CJRB and typically are General Fund requests of up to \$1.25 million.

The final category, and largest dollar amount, are construction matching funds – up to 50 percent of the court portion of a new facility – to replace unsafe courthouses. These are bond funds and can range from several million dollars to more than \$100 million, and under current law are available only for replacing a courthouse.

HB 3369 would add another category to those three types of state funding assistance – using state bonds as matching funds for courthouse expansions (and renovations, if the -1 amendments are adopted). This would provide a funding alternative for the legislature to support projects that are larger in scale than the current cash-funded improvement projects, but less than full courthouse replacement projects currently supported with state bond funds. HB 3369 would still require counties to provide matching funding, although it expands the types of county expenditures that could count as county matching funds.

OJD recognizes that many courthouses are nearing – or have long since passed – their life expectancy. Many courthouses – especially in rural or frontier Oregon – were built in the early or mid-1900s. They are historic landmarks and community hubs.

They also very likely are seismically unsound. They might have leaking roofs or don't provide access to people with physical disabilities or may lack space for jurors to gather or deliberate, or places for attorneys to speak privately with their clients. They are not designed to provide security screening at entry and end up with persons accused of crimes standing in the same hallways as their alleged victims and the witnesses in their cases. In short, they would require extensive renovation to meet current standards or become sufficient for modern court technology and services. And counties would still need to provide matching funds for these projects.

HB 3369 would enhance the state's ability to support larger-scale improvements to current courthouses to address some of these issues. We also would ask the legislature to consider whether it's time for a more wholistic solution to this decades-old issue. In counties where it is unrealistic to expect they can produce matching funds, perhaps it is time to talk about whether the state should assume the entire responsibility for those court facilities.

We know that is a big discussion to have. In the meantime, we will continue to work with Representative Boice to improve administration of this program and ensure that the projects supported by these bonds are good investments by the state and improve services to their communities.

I would be glad to answer questions.