

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 247
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By SPECIAL COMMITTEE ON BUDGET

July 30

1 On page 1 of printed A-engrossed bill, line 2, after “36.110,” delete the rest of the line and insert
2 “36.135, 36.145, 36.150, 36.155, 36.160, 36.165, 36.170, 36.175.”.

3 On page 2, line 40, delete “state funds” and insert “a grant”.

4 On page 3, delete lines 23 through 45 and insert:

5 “**SECTION 4.** ORS 36.135 is amended to read:

6 “36.135. The Dean of the University of Oregon School of Law shall periodically review dispute
7 resolution programs in this state. If the dean determines that there are reasonable grounds to be-
8 lieve that a program is not in substantial compliance with the standards and guidelines adopted
9 under ORS 36.175, the dean may suspend or terminate the funding of the program **under ORS 36.155**
10 and recover any unexpended funds or improperly expended funds from the program.

11 “**SECTION 4a.** ORS 36.145, as amended by section 13a, chapter 791, Oregon Laws 2003, is
12 amended to read:

13 “36.145. The Dispute Resolution Account is established in the State Treasury, separate and dis-
14 tinct from the General Fund. All moneys received under ORS [36.170] **36.150** shall be deposited to
15 the credit of the account. **Notwithstanding the provisions of ORS 291.238, all moneys in the**
16 **account are continuously appropriated to the Department of Higher Education for the pur-**
17 **poses for which the moneys were made available and shall be expended in accordance with**
18 **the terms and conditions upon which the moneys were made available.**

19 “**SECTION 4b.** ORS 36.150 is amended to read:

20 “36.150. The Department of Higher Education, on behalf of the Mark O. Hatfield School of
21 Government and the University of Oregon School of Law, may accept and expend moneys from any
22 public or private source, including the federal government, made available for the purpose of en-
23 couraging, promoting or establishing dispute resolution programs in Oregon or to facilitate and as-
24 sist the schools in carrying out the responsibilities of the schools under ORS 36.100 to 36.238 and
25 183.502. All moneys received by the Department of Higher Education under this section shall be
26 deposited in the Dispute Resolution Account. [*Notwithstanding the provisions of ORS 291.238, all*
27 *such moneys are continuously appropriated to the Department of Higher Education for the purposes for*
28 *which they were made available and shall be expended in accordance with the terms and conditions*
29 *upon which they were made available.]*

30 “**SECTION 4c.** ORS 36.155 is amended to read:

31 “36.155. [*Funds allocated to the Department of Higher Education on behalf of the University of*
32 *Oregon School of Law under ORS 36.145 (1)(a) for distribution under this section shall be awarded*
33 *by the Dean of the University of Oregon School of Law for the purpose of providing dispute resolution*
34 *services in the county from which the funds originated. On or before July 1 of each odd-numbered year,*

1 *the dean shall advise each county of the county's share of the amount allocated for the purposes of this*
2 *section. The determination shall be based upon each county's respective share of moneys contributed*
3 *under ORS 36.170. Before distributing these funds in a county, the county must apply for authority or*
4 *the dean must proceed under ORS 36.160. If a dispute resolution program is not selected for funding*
5 *under ORS 36.160 within three fiscal years after the fiscal year in which the filing fee surcharge was*
6 *collected, then the funds from that fiscal year may be distributed by the dean in other counties.]* **The**
7 **Dean of the University of Oregon School of Law shall award grants for the purpose of pro-**
8 **viding dispute resolution services in counties. Grants under this section shall be made from**
9 **funds appropriated to the Department of Higher Education on behalf of the University of**
10 **Oregon School of Law for distribution under this section. The State Board of Higher Educa-**
11 **tion may adopt rules for the operation of the grant program.**

12 “**SECTION 4d.** ORS 36.160 is amended to read:

13 “36.160. (1) To [*participate in the expenditure of funds for dispute resolution programs within the*
14 *county*] **qualify for a grant** under ORS 36.155, a county shall notify the Dean of the University of
15 Oregon School of Law in accordance with the schedule established by rule by the dean. Such no-
16 tification shall be by resolution of the appropriate board of county commissioners or, if the programs
17 are to serve more than one county, by joint resolution. A county providing notice may select the
18 dispute resolution programs to receive [*funds*] **grants** under ORS 36.155 for providing dispute re-
19 solution services within the county from among qualified dispute resolution programs.

20 “(2) The county’s notification to the dean must include a statement of agreement by the county
21 to engage in a selection process and to select as the recipient of funding an entity capable of and
22 willing to provide dispute resolution services according to the rules of the dean. [*Actual funding by*
23 *the dean*] **The award of a grant** is contingent upon the selection by the county of a qualified entity.
24 The dean may provide consultation and technical assistance to a county to identify, develop and
25 implement dispute resolution programs that meet the standards and guidelines adopted by the dean
26 under ORS 36.175.

27 “(3) If a county does not issue a notification according to the schedule established by the dean,
28 the dean may notify a county board of commissioners that the dean intends to [*fund*] **make a grant**
29 **to** a dispute resolution program in the county [*with funds earmarked for the county under ORS*
30 *36.155*]. The dean may, after such notification, assume the county’s role under subsection (1) of this
31 section unless the county gives the notice required by subsection (1) of this section. If the dean as-
32 sumes the county’s role, the dean may contract with a qualified program for a two-year period. The
33 county may, 90 days before the expiration of an agreement between a qualified program and the
34 dean, notify the dean under subsection (1) of this section that the county intends to assume its role
35 under subsection (1) of this section.

36 “(4) All dispute resolution programs identified for funding shall comply with the rules adopted
37 under ORS 36.175.

38 “(5) All funded dispute resolution programs shall submit informational reports and statistics as
39 required by the dean.

40 “**SECTION 4e.** ORS 36.165 is amended to read:

41 “36.165. (1) Any county that receives [*financial aid*] **a grant** under ORS 36.155 may terminate
42 its participation at the end of any month by delivering a resolution of its board of commissioners
43 to the Dean of the University of Oregon School of Law not less than 180 days before the termination
44 date.

45 “(2) If a county terminates its participation under ORS 36.160, the remaining portion of the [*fi-*

1 *nancial aid*] **grant** made [*available*] to the county under ORS 36.160 shall revert to the [*Dispute*
2 *Resolution Account*] **University of Oregon School of Law** to be used as specified in ORS 36.155.

3 “**SECTION 4f.** ORS 36.170, as amended by section 18a, chapter 791, Oregon Laws 2003, is
4 amended to read:

5 “36.170. (1) The clerks of the circuit courts shall collect a dispute resolution surcharge at the
6 time a civil action, suit or proceeding is filed, including appeals. The surcharge shall be collected
7 from a plaintiff or petitioner at the time the proceeding is filed. The surcharge shall be collected
8 from a defendant or respondent upon making appearance. The amount of the surcharge shall be:

9 “(a) \$9, if the action, suit or proceeding is subject to the filing fees established by ORS 21.110
10 (1), 21.310 or any other filing fee not specifically provided for in this section.

11 “(b) \$7, if the action, suit or proceeding is subject to the filing fees established by ORS 21.110
12 (2) or 105.130, or if the action is filed in the small claims department of circuit court and the amount
13 or value claimed exceeds \$1,500.

14 “(c) \$5, if the action, suit or proceeding is subject to the filing fees established by ORS 21.111.

15 “(d) \$3 if the action is filed in the small claims department of circuit court and the amount or
16 value claimed does not exceed \$1,500.

17 “(2) All surcharges collected under this section shall be deposited by the State Court Adminis-
18 trator into the State Treasury to the credit of the [*Dispute Resolution Account*] **General Fund**.

19 “**SECTION 4g.** ORS 36.175 is amended to read:

20 “36.175. (1) The Dean of the University of Oregon School of Law shall adopt by rule:

21 “(a) Standards and guidelines for dispute resolution programs receiving [*funds*] **grants** under
22 ORS 36.155;

23 “(b) Minimum reporting requirements for dispute resolution programs receiving [*funds*] **grants**
24 under ORS 36.155;

25 “(c) Methods for evaluating dispute resolution programs receiving [*funds*] **grants** under ORS
26 36.155;

27 “(d) Minimum qualifications and training for persons conducting dispute resolution services in
28 dispute resolution programs receiving [*funds*] **grants** under ORS 36.155;

29 “(e) Participating funds requirements, if any, for entities receiving [*funds*] **grants** under ORS
30 36.155;

31 “(f) Requirements, if any, for the payment by participants for services provided by a program
32 receiving [*funds*] **grants** under ORS 36.155; and

33 “(g) Any other provisions or procedures for the administration of ORS 36.100 to 36.175.

34 “(2) This section does not apply to state agency dispute resolution programs.

35 “**SECTION 4h. All amounts in the Dispute Resolution Account on the effective date of**
36 **this 2005 Act are transferred to the General Fund.”.**

37 On page 4, delete lines 1 through 7.

38 On page 5, delete lines 29 through 39 and insert:

39 “**SECTION 8.** ORS 352.066, as amended by section 30a, chapter 791, Oregon Laws 2003, and
40 section 2, chapter 453, Oregon Laws 2005 (Enrolled Senate Bill 240), is amended to read:

41 “352.066. (1) Pursuant to ORS 351.870, there is created within the Department of Higher Edu-
42 cation the Mark O. Hatfield School of Government. The Mark O. Hatfield School of Government
43 shall be administered by Portland State University. The president of Portland State University shall
44 appoint the director of the Mark O. Hatfield School of Government.

45 “(2) The purposes of the Mark O. Hatfield School of Government are:

1 “(a) To prepare students for careers in political service, public administration and the adminis-
2 tration of justice; [and]

3 **“(b) To perform the duties required of the school under section 11 of this 2005 Act and**
4 **ORS 21.480, 183.502 and 390.240; and**

5 “[(b)] (c) To assist the Criminal Justice Research and Policy Institute in carrying out the duties
6 under subsection (3) of this section.

7 “(3) There is created within the Mark O. Hatfield School of Government the Criminal Justice
8 Research and Policy Institute. The institute may assist the Legislative Assembly and state and local
9 governments in developing policies to reduce crime and delinquency by:

10 “(a) Providing the Legislative Assembly with objective, nonpartisan analyses of existing or pro-
11 posed state criminal justice policies, which analyses may not be inconsistent with state or federal
12 law or the Oregon or United States Constitution;

13 “(b) Evaluating programs, including but not limited to programs dealing with public safety
14 professionalism, ethics in leadership and childhood development, funded directly or indirectly by the
15 State of Oregon that are intended to reduce criminal and delinquent behavior or to improve
16 professionalism in public safety careers;

17 “(c) Managing reviews and evaluations relating to major long-term issues confronting the state
18 involving criminal and juvenile justice, public safety professionalism, ethics in leadership and early
19 childhood development programs;

20 “(d) Initiating, sponsoring, conducting and publishing research on criminal and juvenile justice,
21 public safety professionalism, ethics in leadership and early childhood development that is peer re-
22 viewed and directly useful to policymakers;

23 “(e) Organizing conferences on current state issues that bring together policymakers, public
24 agencies and leading academicians; and

25 “(f) Seeking to strengthen the links among the Legislative Assembly, state and local govern-
26 ments, the Oregon Criminal Justice Commission, the Department of Public Safety Standards and
27 Training and the academic community in the interest of more informed policymaking, the application
28 of best practices and more relevant academic research.

29 “(4) The Governor, the Chief Justice of the Supreme Court, the President of the Senate, the
30 Speaker of the House of Representatives or the chairperson of a legislative committee with respon-
31 sibility over criminal or juvenile justice systems or childhood development programs may request the
32 assistance of the Criminal Justice Research and Policy Institute in evaluating criminal or juvenile
33 justice programs developed for, but not necessarily limited to, preventing delinquency, reducing
34 crime and improving professionalism in public safety careers.

35 “(5) Agencies, departments and officers of state and local governments may assist the Criminal
36 Justice Research and Policy Institute in the performance of its functions and furnish information,
37 data and advice as requested by the institute.”.

38 On page 6, delete lines 10 through 21.

39 In line 22, delete “13” and insert “12”.