

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 1
<b>Yeas:</b>	Barker, Bonamici, Cameron, Komp, Krieger, Read, Whisnant, Macpherson
<b>Nays:</b>	0
<b>Exc.:</b>	Flores
<b>Prepared By:</b>	Matt Kalmanson, Counsel
<b>Meeting Dates:</b>	5/9, 5/14

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**WHAT THE MEASURE DOES:** Replaces ORS 21.605, concerning the waiver or deferral of filing fees, court costs, and transcripts on appeal. Establishes that a court in a civil action may waive or defer fees for a party if it determines that the party is unable to pay. Allows a presiding judge to delegate this authority to a court administrator, but permits a party to appeal the administrator's decision to a court. Authorizes the Supreme Court to create standards and practices for the waiver or deferral of fees or costs. Permits a court to enter a judgment in favor of the government against the party for any deferred costs and fees. Establishes that if a person has had a fee waived and then prevails in the case, and the losing party is liable to the winning party for costs and disbursements, a court may require the losing party to pay the state the waived amount. Establishes that all information collected in applying for waiver or deferral of fees is confidential.

**ISSUES DISCUSSED:**

- The Judicial Department Fee Waiver/Deferral Policy Work Group
- Need to update waiver and deferral statutes to make them more efficient and user friendly, while taking into account changes in court systems and administration, record-keeping and ability to pursue collections
- Availability of waiver and deferral forms
- Prevailing party provisions
- Confidentiality of information

**EFFECT OF COMMITTEE AMENDMENT:** Resolves conflicts.

**BACKGROUND:** SB 271 B is the product of the Oregon Judicial Department's Fee Waiver/Deferral Policy Work Group, which was formed to study current court fee waiver and deferral processes. The Work Group included trial and appellate court personnel, staff from the Office of the State Court Administrator, and other interested parties. Although there have been minor adjustments to the waiver and deferral statutes over the years, a comprehensive review of these statutes and procedures has not occurred since the early 1980s. Since that time, there have been changes in state court systems and administration. SB 271 B is designed to enhance access to the courts, update and improve the fee waiver and deferral statutes, provide adequate information to appellate courts, and make the process more efficient.

5/17/2007 9:43:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*