

REVENUE: Minimal revenue impact, no statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/18

WHAT THE MEASURE DOES: Removes from the Oregon Revised Statutes reference to ORCP 69(B)(1). Includes in those places in ORCP 7 C and ORS 105.113 where the Oregon State Bar's (the Bar) phone number is listed, the e-mail address of the Bar as well. Sets the filing fee for a declaratory judgment action and an answer to that declaratory action at \$117. Applies to actions filed after January 1, 2011. Requires the Clerk of Court to refund fees already paid for declaratory judgments that exceed this amount. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Compatibility with filing fee bill
- \$1182 in filing fees for a matter involving \$381
- Access to justice

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Declaratory judgments are primarily suits challenging the constitutionality of a statute or regulation. There are approximately 200 of these suits filed each year in Oregon. It is unclear what the filing fee is for these suits. The Oregon Rules of Civil Procedure govern the processes and procedures for our court system. The Council on Court Procedure adopts and repeals civil procedure rules. The Council recently eliminated ORS 69(B)(1). House Bill 2667-A removes that reference from ORS 18.075 and 21.125. ORCP 7 C and ORS 105.113 both contain statutory forms that direct persons to the Bar should they need assistance. These forms have the Bar's phone number. The bill adds the Bar's e-mail address.