

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 1
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Wand
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	5/11, 5/25

WHAT THE MEASURE DOES: Allows award of attorney fees for appeals of administrative decisions and other appellate reviews including denial of petition for Supreme Court review.

ISSUES DISCUSSED:

- Intent that availability of attorney fees should follow cases through process of litigation

EFFECT OF COMMITTEE AMENDMENT: Inserts other appellate reviews to ensure availability of attorney fees for reviews that are not technically considered appeals, including Supreme Court denial of petition for review.

BACKGROUND: Oregon statutes that allow or require awards of attorney fees in civil actions are construed to allow awards for the appeal of those actions, so long as the underlying action is commenced in a court. (ORS 19.440; *State of Oregon v. Federation of Oregon Parole and Probation Officers*, 94 Or. App. 754 (1989)) Senate Bill 592 B permits an award of attorney fees for reviews by higher authorities, regardless of where a case originates.