

HB 2562
Relating to courts

House Bill 2562 includes provisions affecting court operations, court fees, and the distribution of fines collected in justice and municipal courts.

The bill increases certain state court filing fee rates by 5%, and dedicates the revenue obtained from these fee increases to support electronic court systems, and to eliminate charges to file documents electronically. These fee increases will sunset on June 30, 2014, unless extended by the Legislature next session.

The bill also modifies the distribution of fine revenues collected by justice and municipal courts. The amount of fine revenue transferred to the state is reduced by two changes. First, the amount of a criminal fine that must be paid to the Criminal Fine Account, prior to any other distribution of fine revenue, is reduced from \$60 to \$45. Second, partial fine payments above the \$45 are split equally in cases where the fine is shared by the state and a local jurisdiction. House Bill 2562 also reduces payments to counties that are dedicated to local court security accounts by approximately \$3.5 million. Counties will replace these funds with moneys received directly from justice and municipal courts dedicated to this same purpose.

Finally, the bill updates statutes to facilitate the development of electronic court processes.

The Capital Construction Subcommittee recommends House Bill 2562 be amended and reported out do pass, as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: HB 2562-C

Carrier – Senate: Sen. Winters

JOINT COMMITTEE ON WAYS AND MEANS

Action: Do Pass the B-Engrossed Measure as Amended and be Printed C-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Kay Erickson, Department of Administrative Services

Reviewed By: Steve Bender, Legislative Fiscal Office

Meeting Date: July 6, 2013

Agency

Oregon Judicial Department

Biennium

2013-15

Budget Summary*

	2011-13 Legislatively Approved Budget ⁽¹⁾	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$ Change	% Change
Other Funds	\$ 0	\$ 0	\$ (2,909,555)	\$ (2,909,555)	100.0%
Total	\$ 0	\$ 0	\$ (2,909,555)	\$ (2,909,555)	100.0%

Position Summary

Authorized Positions	0	0	0	0
Full-time Equivalent (FTE) positions	0.00	0.00	0.00	0.00

⁽¹⁾ Includes adjustments through December 2012

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The measure reduces revenues from justice and municipal courts to the Criminal Fine Account by a projected \$9.2 million in the 2013-15 biennium, and by \$9.4 million in the 2015-17 biennium. The measure directly reduces 2013-15 biennium state payments to counties that are funded in the Judicial Department budget by \$3,459,555, to adjust for amounts that will be provided to counties from justice and municipal court judgments.

The measure increases certain state court filing fee rates by approximately five percent for the period from October 1, 2013 through June 30, 2014. These fee rate increases are forecast to generate approximately \$1.4 million of additional revenues in the 2013-15 biennium. The measure also dedicates revenues of the amount to supporting state court electronic services and systems and providing electronic services and filing services.

Summary of Capital Construction Subcommittee Action

House Bill 2562 clarifies and updates the Oregon Judicial Department’s (OJD) administrative authority in managing court processes and records in an electronic environment.

The measure also contains various provisions governing fines imposed by justice and municipal courts for criminal actions. The measure:

- Reduces the amount of a criminal fine collected by a justice or municipal court that must be paid to the Criminal Fine Account, prior to any other distribution of the fine revenue, from \$60 to \$45.
- Modifies the application of partial fine payments in justice and municipal courts to provide for an equal split in amounts collected (above the first \$45) in situations where a fully-paid fine is split between the state and a local jurisdiction.
- Provides that if a fine is paid in full that the last \$16 of the amount collected is to be paid to the county to be used for drug and alcohol programs, correctional programs and facilities, and local court security.

The bill increases specified state court fees by approximately five percent on October 1, 2013, and sunsets those increases on June 30, 2014.

The bill establishes the State Court Technology Fund in the State Treasury, and dedicates Oregon Judicial Information Network (OJIN) user fees, and fees for the use of other state court electronic applications and systems received on or after July 1, 2013 to the Fund. In addition, the State Court Administrator is directed to deposit 4.75 percent of fees collected from fees that are increased from October 1, 2013 through June 30, 2014 into the State Court Technology Fund. Moneys in the Fund are continuously appropriated to OJD for purposes of state court electronic applications, services, and systems. Interest earned is to be credited to the fund. The projected amount of OJIN fees to be transferred into the Fund is approximately \$4.05 million, and the projected amount from the 4.75 percent transfer is \$1.43 million. The amount of revenue transferred to the State Court Technology Fund during the 2013-15 biennium is projected to total \$5.48 million.

Implementation of the new fee schedule and revenue distribution model will require OJD to make numerous programming modifications to the OJIN system.

Currently, persons who use the new eCourt e-filing system pay the system vendor directly. The measure directs the Oregon Judicial Department to assume payment of electronic filing fees for the filers. The estimated costs for the nine-month period are \$550,000. The Capital Construction Subcommittee increased the Other Funds expenditure limitation established by section 2(6) of House Bill 5016 for the State Court Technology Fund by \$550,000, for payment of these costs.

The Subcommittee reduced the Other Funds expenditure limitation established by section 2(4) of House Bill 5016 for the State Court Facilities and Security Account by \$3,459,555. This reduction is to special payments to counties dedicated to local court security accounts. Counties will replace these funds with moneys received directly from justice and municipal courts that are dedicated to this same purpose.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

HB 2562-C

Oregon Judicial Department
Kay Erickson -- 503-378-4588

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2011-13 Legislatively Approved Budget at Dec 2012 *	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0.00
2013-15 ORBITS printed Current Service Level (CSL)*	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0.00
SUBCOMMITTEE ADJUSTMENTS (from CSL)									
SCR 102: Administration and Central Support									
Services and Supplies	\$ 0	\$ 0	\$ 550,000	\$ 0	\$ 0	\$ 0	\$ 550,000		
SCR 400: State Court Facilities Security Account									
Special Payments (Distribution to Counties)	\$ 0	\$ 0	\$ (3,459,555)	\$ 0	\$ 0	\$ 0	\$ (3,459,555)		
TOTAL ADJUSTMENTS	\$ 0	\$ 0	\$ (2,909,555)	\$ 0	\$ 0	\$ 0	\$ (2,909,555)	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 0	\$ 0	\$ (2,909,555)	\$ 0	\$ 0	\$ 0	\$ (2,909,555)	0	0.00
% Change from 2011-13 Leg Approved Budget	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%		
% Change from 2013-15 Current Service Level	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%		

*Excludes Capital Construction Expenditures

**PROPOSED AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2562**

1 On page 1 of the printed B-engrossed bill, line 2, after “7.240,” delete the
2 rest of the line and delete lines 3 and 4 and insert “18.999, 19.250, 19.365,
3 19.370, 20.190, 21.010, 21.025, 21.135, 21.145, 21.155, 21.160, 21.170, 21.180,
4 21.235, 21.345, 46.570, 105.130, 106.120, 137.289, 137.291, 137.292, 137.294,
5 137.296, 137.297, 137.300, 153.633, 153.645 and 153.650; appropriating money;
6 limiting expenditures; declaring an emergency; and providing for revenue
7 raising that requires approval by a three-fifths majority.”.

8 On page 9, delete lines 38 and 39 and insert:

9 “(a) \$45; or

10 “(b) The amount of the fine if the fine is less than \$45.”.

11 On page 10, line 33, after the period insert “The provisions of this sub-
12 section do not apply to fines imposed for violations of ORS 811.590, 814.485,
13 814.486, 814.534, 814.536, 814.600 or 830.990 (1).”.

14 On page 11, line 23, after the period insert “The provisions of this sub-
15 section do not apply to fines imposed for violations of ORS 811.590, 814.485,
16 814.486, 814.534, 814.536, 814.600 or 830.990 (1).”.

17 In line 31, after the period insert “The provisions of this subsection do
18 not apply to fines imposed for violations of ORS 811.590, 814.485, 814.486,
19 814.534, 814.536, 814.600 or 830.990 (1).”.

20 On page 15, after line 10, insert:

21

22 **“WAIVER OF APPELLATE MOTION FEES FOR PUBLIC BODIES**

1 “(2) Filing and appearance fees may not be assessed in appeals from
2 habeas corpus proceedings under ORS 34.710, post-conviction relief pro-
3 ceedings under ORS 138.650, juvenile court under ORS 419A.200, the invol-
4 untary commitment of persons determined to be mentally ill under ORS
5 426.135 or persons determined to have an intellectual disability under ORS
6 427.295 or orders of the State Board of Parole and Post-Prison Supervision
7 or on judicial review of orders entered under ORS 161.315 to 161.351 by the
8 Psychiatric Security Review Board or the Oregon Health Authority.

9 “(3) Filing and appearance fees shall be assessed in an appeal from an
10 appeal to a circuit court from a justice court or municipal court in an action
11 alleging commission of a state offense designated as a violation or an action
12 alleging violation of a city charter or ordinance, but not in an action alleg-
13 ing commission of a state crime.

14 “(4) Filing and appearance fees shall only be assessed in an appeal in a
15 contempt proceeding seeking imposition of remedial sanctions under the
16 provisions of ORS 33.055.

17 “(5) The filing and appearance fees established by this section apply to
18 cases of original jurisdiction in the Supreme Court.

19 “**SECTION 29a.** ORS 21.010, as amended by section 29 of this 2013 Act,
20 is amended to read:

21 “21.010. (1) Except as provided in this section, the appellant in an appeal
22 or the petitioner in a judicial review in the Supreme Court or the Court of
23 Appeals shall pay a filing fee of [~~\$373~~] **\$355** in the manner prescribed by ORS
24 19.265. The respondent in such case and any other person appearing in the
25 appeal, upon entering first appearance or filing first brief in the court, shall
26 pay to the State Court Administrator a filing fee of [~~\$373~~] **\$355**. The party
27 entitled to costs and disbursements on such appeal shall recover from the
28 opponent the amount so paid.

29 “(2) Filing and appearance fees may not be assessed in appeals from
30 habeas corpus proceedings under ORS 34.710, post-conviction relief pro-

1 ceedings under ORS 138.650, juvenile court under ORS 419A.200, the invol-
2 untary commitment of persons determined to be mentally ill under ORS
3 426.135 or persons determined to have an intellectual disability under ORS
4 427.295 or orders of the State Board of Parole and Post-Prison Supervision
5 or on judicial review of orders entered under ORS 161.315 to 161.351 by the
6 Psychiatric Security Review Board or the Oregon Health Authority.

7 “(3) Filing and appearance fees shall be assessed in an appeal from an
8 appeal to a circuit court from a justice court or municipal court in an action
9 alleging commission of a state offense designated as a violation or an action
10 alleging violation of a city charter or ordinance, but not in an action alleg-
11 ing commission of a state crime.

12 “(4) Filing and appearance fees shall only be assessed in an appeal in a
13 contempt proceeding seeking imposition of remedial sanctions under the
14 provisions of ORS 33.055.

15 “(5) The filing and appearance fees established by this section apply to
16 cases of original jurisdiction in the Supreme Court.

17 **“SECTION 30.** ORS 21.135 is amended to read:

18 “21.135. (1) Unless a specific fee is provided by other law for a proceeding,
19 a circuit court shall collect a filing fee of [~~\$240~~] ~~\$252~~ when a complaint or
20 other document is filed for the purpose of commencing an action or other
21 civil proceeding and when an answer or other first appearance is filed in the
22 proceeding.

23 “(2) The filing fee established by this section applies to:

24 “(a) Proceedings in which only equitable remedies are sought.

25 “(b) Appeals from a conviction of a violation in justice or municipal
26 courts as provided in ORS 21.285.

27 “(c) Interpleader actions.

28 “(d) Adoptions under ORS chapter 109.

29 “(e) Actions relating to a trust.

30 “(f) Proceedings for judicial review of an agency order.

1 “(g) Declaratory judgment actions.

2 “(h) Any other action or proceeding that is statutorily made subject to
3 the fee established by this section and any other civil proceeding for which
4 a specific filing fee is not provided.

5 **“SECTION 30a.** ORS 21.135, as amended by section 30 of this 2013 Act,
6 is amended to read:

7 “21.135. (1) Unless a specific fee is provided by other law for a proceeding,
8 a circuit court shall collect a filing fee of [~~\$252~~] **\$240** when a complaint or
9 other document is filed for the purpose of commencing an action or other
10 civil proceeding and when an answer or other first appearance is filed in the
11 proceeding.

12 “(2) The filing fee established by this section applies to:

13 “(a) Proceedings in which only equitable remedies are sought.

14 “(b) Appeals from a conviction of a violation in justice or municipal
15 courts as provided in ORS 21.285.

16 “(c) Interpleader actions.

17 “(d) Adoptions under ORS chapter 109.

18 “(e) Actions relating to a trust.

19 “(f) Proceedings for judicial review of an agency order.

20 “(g) Declaratory judgment actions.

21 “(h) Any other action or proceeding that is statutorily made subject to
22 the fee established by this section and any other civil proceeding for which
23 a specific filing fee is not provided.

24 **“SECTION 31.** ORS 21.145 is amended to read:

25 “21.145. In the following proceedings, a circuit court shall collect a filing
26 fee of [~~\$105~~] **\$111** when a complaint or other document is filed for the purpose
27 of commencing an action or other proceeding and at the time of filing an
28 answer or other first appearance in the proceeding:

29 “(1) Applications for change of name under ORS 33.410.

30 “(2) Applications for a legal change of sex under ORS 33.460.

1 “(3) Guardianship proceedings under ORS chapter 125.

2 “(4) Any other action or proceeding that is statutorily made subject to the
3 fee established by this section.

4 “**SECTION 31a.** ORS 21.145, as amended by section 31 of this 2013 Act,
5 is amended to read:

6 “21.145. In the following proceedings, a circuit court shall collect a filing
7 fee of [~~\$111~~] **\$105** when a complaint or other document is filed for the purpose
8 of commencing an action or other proceeding and at the time of filing an
9 answer or other first appearance in the proceeding:

10 “(1) Applications for change of name under ORS 33.410.

11 “(2) Applications for a legal change of sex under ORS 33.460.

12 “(3) Guardianship proceedings under ORS chapter 125.

13 “(4) Any other action or proceeding that is statutorily made subject to the
14 fee established by this section.

15 “**SECTION 32.** ORS 21.155 is amended to read:

16 “21.155. A circuit court shall collect a filing fee of [~~\$260~~] **\$273** when a
17 complaint or other document is filed for the purpose of commencing one of
18 the following proceedings and when an answer or other first appearance is
19 filed in the proceeding:

20 “(1) Proceedings for dissolution of marriage, annulment of marriage or
21 separation.

22 “(2) Filiation proceedings under ORS 109.124 to 109.230.

23 “(3) Proceedings under ORS 108.110, 109.100 and 109.103.

24 “**SECTION 32a.** ORS 21.155, as amended by section 32 of this 2013 Act,
25 is amended to read:

26 “21.155. A circuit court shall collect a filing fee of [~~\$273~~] **\$260** when a
27 complaint or other document is filed for the purpose of commencing one of
28 the following proceedings and when an answer or other first appearance is
29 filed in the proceeding:

30 “(1) Proceedings for dissolution of marriage, annulment of marriage or

1 separation.

2 “(2) Filiation proceedings under ORS 109.124 to 109.230.

3 “(3) Proceedings under ORS 108.110, 109.100 and 109.103.

4 “**SECTION 33.** ORS 21.160, as amended by section 2, chapter 48, Oregon
5 Laws 2012, is amended to read:

6 “21.160. (1) A circuit court shall collect the following filing fees when a
7 complaint or other document is filed for the purpose of commencing an
8 action or other civil proceeding based on a tort or contract and when an
9 answer or other first appearance is filed in the proceeding:

10 “(a) If the amount claimed is \$10,000 or less, the court shall collect a
11 filing fee of [~~\$150~~] **\$158**.

12 “(b) If the amount claimed is more than \$10,000 and less than \$50,000, the
13 court shall collect a filing fee of [~~\$240~~] **\$252**.

14 “(c) If the amount claimed is \$50,000 or more, and less than \$1 million,
15 the court shall collect a filing fee of [~~\$505~~] **\$531**.

16 “(d) If the amount claimed is \$1 million or more and less than \$10 million,
17 the court shall collect a fee of [~~\$755~~] **\$793**.

18 “(e) If the amount claimed is \$10 million or more, the court shall collect
19 a filing fee of [~~\$1,005~~] **\$1,056**.

20 “(2) The filing fees provided by this section apply to proceedings for the
21 foreclosure of a mortgage, lien or other security interest. For the purposes
22 of such proceedings, the amount claimed is the amount of the debt secured
23 by the mortgage, lien or other security interest that is owing as of the date
24 that the proceeding is filed.

25 “(3) The filing fees provided by this section apply to proceedings for spe-
26 cific performance of a contract. For the purposes of such proceedings, the
27 amount claimed is the amount owing under the contract on the date that the
28 proceeding is filed.

29 “(4) A court shall collect the filing fees provided by this section when an
30 appeal from a justice court is filed under ORS 53.005 to 53.125 or a case is

1 transferred from a justice court under ORS 52.320.

2 “(5) For purposes of this section, the amount claimed in a proceeding does
3 not include any amount claimed as attorney fees or as costs and disburse-
4 ments.

5 “(6) For purposes of this section, the amount claimed in a proceeding in-
6 cludes any penalty or forfeiture provided by statute or arising out of con-
7 tract.

8 **“SECTION 33a.** ORS 21.160, as amended by section 2, chapter 48, Oregon
9 Laws 2012, and section 33 of this 2013 Act, is amended to read:

10 “21.160. (1) A circuit court shall collect the following filing fees when a
11 complaint or other document is filed for the purpose of commencing an
12 action or other civil proceeding based on a tort or contract and when an
13 answer or other first appearance is filed in the proceeding:

14 “(a) If the amount claimed is \$10,000 or less, the court shall collect a
15 filing fee of [~~\$158~~] **\$150**.

16 “(b) If the amount claimed is more than \$10,000 and less than \$50,000, the
17 court shall collect a filing fee of [~~\$252~~] **\$240**.

18 “(c) If the amount claimed is \$50,000 or more, and less than \$1 million,
19 the court shall collect a filing fee of [~~\$531~~] **\$505**.

20 “(d) If the amount claimed is \$1 million or more and less than \$10 million,
21 the court shall collect a fee of [~~\$793~~] **\$755**.

22 “(e) If the amount claimed is \$10 million or more, the court shall collect
23 a filing fee of [~~\$1,056~~] **\$1,005**.

24 “(2) The filing fees provided by this section apply to proceedings for the
25 foreclosure of a mortgage, lien or other security interest. For the purposes
26 of such proceedings, the amount claimed is the amount of the debt secured
27 by the mortgage, lien or other security interest that is owing as of the date
28 that the proceeding is filed.

29 “(3) The filing fees provided by this section apply to proceedings for spe-
30 cific performance of a contract. For the purposes of such proceedings, the

1 amount claimed is the amount owing under the contract on the date that the
2 proceeding is filed.

3 “(4) A court shall collect the filing fees provided by this section when an
4 appeal from a justice court is filed under ORS 53.005 to 53.125 or a case is
5 transferred from a justice court under ORS 52.320.

6 “(5) For purposes of this section, the amount claimed in a proceeding does
7 not include any amount claimed as attorney fees or as costs and disburse-
8 ments.

9 “(6) For purposes of this section, the amount claimed in a proceeding in-
10 cludes any penalty or forfeiture provided by statute or arising out of con-
11 tract.

12 **“SECTION 34.** ORS 21.170 is amended to read:

13 “21.170. (1) Except as provided in ORS 114.515, a probate court shall col-
14 lect the following filing fees for the filing of a petition for the appointment
15 of personal representative:

16 “(a) If the value of the estate is less than \$50,000, [~~\$240~~] **\$252.**

17 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
18 [~~\$505~~] **\$531.**

19 “(c) If the value of the estate is \$1 million or more, but less than \$10
20 million, [~~\$755~~] **\$793.**

21 “(d) If the value of the estate is \$10 million or more, [~~\$1,005~~] **\$1,056.**

22 “(2) A probate court shall collect the following fees for an annual or final
23 accounting filed in a probate proceeding:

24 “(a) If the value of the estate is less than \$50,000, [~~\$30~~] **\$32.**

25 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
26 [~~\$255~~] **\$268.**

27 “(c) If the value of the estate is \$1 million or more, but less than \$10
28 million, [~~\$505~~] **\$531.**

29 “(d) If the value of the estate is \$10 million or more, [~~\$1,005~~] **\$1,056.**

30 “(3) For the purpose of determining the value of the estate under this

1 section, the amount of a settlement in a wrongful death action brought for
2 the benefit of the decedent's surviving spouse or dependents is not part of
3 the estate.

4 “(4) A person filing an appearance in a probate proceeding must pay the
5 fee established under ORS 21.135.

6 “(5) The fees established under this section apply to county courts exer-
7 cising probate jurisdiction.

8 **“SECTION 34a.** ORS 21.170, as amended by section 34 of this 2013 Act,
9 is amended to read:

10 “21.170. (1) Except as provided in ORS 114.515, a probate court shall col-
11 lect the following filing fees for the filing of a petition for the appointment
12 of personal representative:

13 “(a) If the value of the estate is less than \$50,000, [~~\$252~~] **\$240.**

14 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
15 [~~\$531~~] **\$505.**

16 “(c) If the value of the estate is \$1 million or more, but less than \$10
17 million, [~~\$793~~] **\$755.**

18 “(d) If the value of the estate is \$10 million or more, [~~\$1,056~~] **\$1,005.**

19 “(2) A probate court shall collect the following fees for an annual or final
20 accounting filed in a probate proceeding:

21 “(a) If the value of the estate is less than \$50,000, [~~\$32~~] **\$30.**

22 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
23 [~~\$268~~] **\$255.**

24 “(c) If the value of the estate is \$1 million or more, but less than \$10
25 million, [~~\$531~~] **\$505.**

26 “(d) If the value of the estate is \$10 million or more, [~~\$1,056~~] **\$1,005.**

27 “(3) For the purpose of determining the value of the estate under this
28 section, the amount of a settlement in a wrongful death action brought for
29 the benefit of the decedent's surviving spouse or dependents is not part of
30 the estate.

1 “(4) A person filing an appearance in a probate proceeding must pay the
2 fee established under ORS 21.135.

3 “(5) The fees established under this section apply to county courts exer-
4 cising probate jurisdiction.

5 **“SECTION 35.** ORS 21.180 is amended to read:

6 “21.180. (1) The court shall collect the following filing fees for the filing
7 of the initial documents in a conservatorship proceeding:

8 “(a) If the value of the estate is less than \$50,000, [~~\$240~~] **\$252.**

9 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
10 [~~\$505~~] **\$531.**

11 “(c) If the value of the estate is \$1 million or more, but less than \$10
12 million, [~~\$755~~] **\$793.**

13 “(d) If the value of the estate is \$10 million or more, [~~\$1,005~~] **\$1,056.**

14 “(2) The court shall collect the following fees for an annual or final ac-
15 counting filed in a conservatorship proceeding:

16 “(a) If the value of the estate is less than \$50,000, [~~\$30~~] **\$32.**

17 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
18 [~~\$255~~] **\$268.**

19 “(c) If the value of the estate is \$1 million or more, but less than \$10
20 million, [~~\$505~~] **\$531.**

21 “(d) If the value of the estate is \$10 million or more, [~~\$1,005~~] **\$1,056.**

22 “(3) For the purpose of determining the value of the estate under this
23 section, the amount of a settlement in a wrongful death action brought for
24 the benefit of the decedent’s surviving spouse or dependents is not part of
25 the estate.

26 “(4) Except as provided in subsection (1) of this section, at the time of
27 filing an appearance in a conservatorship proceeding the party filing the
28 appearance must pay the filing fee established under ORS 21.135.

29 “(5) The fees established by this section apply to county courts exercising
30 probate jurisdiction.

1 **“SECTION 35a.** ORS 21.180, as amended by section 35 of this 2013 Act,
2 is amended to read:

3 “21.180. (1) The court shall collect the following filing fees for the filing
4 of the initial documents in a conservatorship proceeding:

5 “(a) If the value of the estate is less than \$50,000, [~~\$252~~] **\$240.**

6 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
7 [~~\$531~~] **\$505.**

8 “(c) If the value of the estate is \$1 million or more, but less than \$10
9 million, [~~\$793~~] **\$755.**

10 “(d) If the value of the estate is \$10 million or more, [~~\$1,056~~] **\$1,005.**

11 “(2) The court shall collect the following fees for an annual or final ac-
12 counting filed in a conservatorship proceeding:

13 “(a) If the value of the estate is less than \$50,000, [~~\$32~~] **\$30.**

14 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million,
15 [~~\$268~~] **\$255.**

16 “(c) If the value of the estate is \$1 million or more, but less than \$10
17 million, [~~\$531~~] **\$505.**

18 “(d) If the value of the estate is \$10 million or more, [~~\$1,056~~] **\$1,005.**

19 “(3) For the purpose of determining the value of the estate under this
20 section, the amount of a settlement in a wrongful death action brought for
21 the benefit of the decedent’s surviving spouse or dependents is not part of
22 the estate.

23 “(4) Except as provided in subsection (1) of this section, at the time of
24 filing an appearance in a conservatorship proceeding the party filing the
25 appearance must pay the filing fee established under ORS 21.135.

26 “(5) The fees established by this section apply to county courts exercising
27 probate jurisdiction.

28 **“SECTION 36.** ORS 46.570 is amended to read:

29 “46.570. The small claims department of a circuit court shall collect the
30 following filing fees from the plaintiff when a claim is filed in the court, and

1 from the defendant when the defendant demands a hearing:

2 “(1) [~~\$50~~] **\$53**, when the amount claimed is \$2,500 or less; and

3 “(2) [~~\$90~~] **\$95**, when the amount is more than \$2,500.

4 **“SECTION 36a.** ORS 46.570, as amended by section 36 of this 2013 Act,
5 is amended to read:

6 “46.570. The small claims department of a circuit court shall collect the
7 following filing fees from the plaintiff when a claim is filed in the court, and
8 from the defendant when the defendant demands a hearing:

9 “(1) [~~\$53~~] **\$50**, when the amount claimed is \$2,500 or less; and

10 “(2) [~~\$95~~] **\$90**, when the amount is more than \$2,500.

11 **“SECTION 37.** ORS 105.130 is amended to read:

12 “105.130. (1) Except as provided in this section and ORS 105.135, 105.137
13 and 105.140 to 105.161, an action pursuant to ORS 105.110 shall be conducted
14 in all respects as other actions in courts of this state.

15 “(2) Upon filing a complaint in the case of a dwelling unit to which ORS
16 chapter 90 applies, the clerk shall:

17 “(a) Collect a filing fee of [~~\$75~~] **\$79**;

18 “(b) Collect any other fee authorized by law or ordinance; and

19 “(c) With the assistance of the plaintiff or an agent of the plaintiff,
20 complete the applicable summons and provide to the plaintiff or an agent of
21 the plaintiff sufficient copies of the summons and complaint for service.

22 “(3) The court shall collect a filing fee of [~~\$75~~] **\$79** from a defendant that
23 demands a trial under this section.

24 “(4) An action pursuant to ORS 105.110 shall be brought in the name of
25 a person entitled to possession as plaintiff. The plaintiff may appear in per-
26 son or through an attorney. In an action to which ORS chapter 90 applies,
27 the plaintiff may also appear through a nonattorney who is an agent or em-
28 ployee of the plaintiff or an agent or employee of an agent of the plaintiff.

29 “(5) Notwithstanding ORS 9.160, 9.320 and ORS chapter 180, a state
30 agency may appear in an action brought pursuant to ORS 105.110 through

1 an officer or employee of the agency if:

2 “(a) The Attorney General consents to the representation of the agency
3 by an officer or employee in the particular action or in the class of actions
4 that includes the particular action; and

5 “(b) The agency, by rule, authorizes an officer or employee to appear on
6 its behalf in the particular type of action being conducted.

7 “(6) An action brought under ORS 105.110 by a person entitled to pos-
8 session of premises on the basis of circumstances described in ORS 105.115
9 (1)(d), (e) or (f) is subject to the filing fees and other court or sheriff fees
10 applicable to an action concerning a dwelling unit that is subject to ORS
11 chapter 90. The procedure under ORS 105.105 to 105.168 that is applicable to
12 an action concerning a dwelling unit subject to ORS chapter 90 shall also
13 apply to an action brought under ORS 105.115 (1)(d), (e) or (f), except that
14 the complaint must be in the form prescribed in ORS 105.126.

15 “**SECTION 37a.** ORS 105.130, as amended by section 37 of this 2013 Act,
16 is amended to read:

17 “105.130. (1) Except as provided in this section and ORS 105.135, 105.137
18 and 105.140 to 105.161, an action pursuant to ORS 105.110 shall be conducted
19 in all respects as other actions in courts of this state.

20 “(2) Upon filing a complaint in the case of a dwelling unit to which ORS
21 chapter 90 applies, the clerk shall:

22 “(a) Collect a filing fee of [~~\$79~~] **\$75**;

23 “(b) Collect any other fee authorized by law or ordinance; and

24 “(c) With the assistance of the plaintiff or an agent of the plaintiff,
25 complete the applicable summons and provide to the plaintiff or an agent of
26 the plaintiff sufficient copies of the summons and complaint for service.

27 “(3) The court shall collect a filing fee of [~~\$79~~] **\$75** from a defendant that
28 demands a trial under this section.

29 “(4) An action pursuant to ORS 105.110 shall be brought in the name of
30 a person entitled to possession as plaintiff. The plaintiff may appear in per-

1 son or through an attorney. In an action to which ORS chapter 90 applies,
2 the plaintiff may also appear through a nonattorney who is an agent or em-
3 ployee of the plaintiff or an agent or employee of an agent of the plaintiff.

4 “(5) Notwithstanding ORS 9.160, 9.320 and ORS chapter 180, a state
5 agency may appear in an action brought pursuant to ORS 105.110 through
6 an officer or employee of the agency if:

7 “(a) The Attorney General consents to the representation of the agency
8 by an officer or employee in the particular action or in the class of actions
9 that includes the particular action; and

10 “(b) The agency, by rule, authorizes an officer or employee to appear on
11 its behalf in the particular type of action being conducted.

12 “(6) An action brought under ORS 105.110 by a person entitled to pos-
13 session of premises on the basis of circumstances described in ORS 105.115
14 (1)(d), (e) or (f) is subject to the filing fees and other court or sheriff fees
15 applicable to an action concerning a dwelling unit that is subject to ORS
16 chapter 90. The procedure under ORS 105.105 to 105.168 that is applicable to
17 an action concerning a dwelling unit subject to ORS chapter 90 shall also
18 apply to an action brought under ORS 105.115 (1)(d), (e) or (f), except that
19 the complaint must be in the form prescribed in ORS 105.126.

20 **“SECTION 38. (1) The amendments to ORS 20.010, 21.135, 21.145,**
21 **21.155, 21.160, 21.170, 21.180, 46.570 and 105.130 by sections 29, 30, 31, 32,**
22 **33, 34, 35, 36 and 37 of this 2013 Act apply to filings made on or after**
23 **October 1, 2013.**

24 **“(2) If a civil action or proceeding is filed before October 1, 2013, and**
25 **an answer or other first appearance is not filed in the proceeding until**
26 **on or after October 1, 2013, the person filing the answer or other first**
27 **appearance must pay the appropriate fee prescribed in ORS 20.010,**
28 **21.135, 21.145, 21.155, 21.160, 21.165, 21.170, 21.175, 21.180, 46.570 and**
29 **105.130, as in effect on October 1, 2013.**

30 **“(3) Notwithstanding ORS 21.105 and 21.160, if an action or pro-**

1 ceeding based on a tort or contract is filed before October 1, 2013, and
2 the complaint or any other pleading filed in the proceeding is amended
3 on or after October 1, 2013, to increase the amount claimed, the person
4 filing the amended pleading must pay an additional filing fee if the
5 filing fee under ORS 21.160 is greater than the filing fee previously
6 paid. The amount of the additional filing fee is equal to the difference
7 between the filing fee previously paid and the filing fee provided by
8 ORS 21.160 for the amount claimed.

9 “(4) Notwithstanding ORS 21.105, 21.170 and 21.180, if a petition for
10 the appointment of a personal representative or the initial documents
11 for a conservatorship proceeding are filed before October 1, 2013, and
12 the inventory filed in the proceeding is amended to increase the value
13 of the estate on or after October 1, 2013, the person filing the amended
14 pleading must pay an additional filing fee that is equal to the differ-
15 ence between the filing fee that was paid by the party when the ori-
16 ginal pleading was filed and the filing fee that would have been
17 collected under ORS 21.170 or 21.180 if the amount had been pleaded in
18 the original pleading.

19 “SECTION 38a. (1) The amendments to ORS 20.010, 21.135, 21.145,
20 21.155, 21.160, 21.170, 21.180, 46.570 and 105.130 by sections 29a, 30a, 31a,
21 32a, 33a, 34a, 35a, 36a and 37a of this 2013 Act become operative on July
22 1, 2014.

23 “(2) The amendments to ORS 20.010, 21.135, 21.145, 21.155, 21.160,
24 21.170, 21.180, 46.570 and 105.130 by sections 29a, 30a, 31a, 32a, 33a, 34a,
25 35a, 36a and 37a of this 2013 Act apply to filings made on or after July
26 1, 2014.

27 “(3) If a civil action or proceeding is filed before July 1, 2014, and
28 an answer or other first appearance is not filed in the proceeding until
29 on or after July 1, 2014, the person filing the answer or other first
30 appearance must pay the appropriate fee prescribed in ORS 20.010,

1 21.135, 21.145, 21.155, 21.160, 21.165, 21.170, 21.175, 21.180, 46.570 and
2 105.130, as in effect on July 1, 2014.

3 “(4) Notwithstanding ORS 21.105 and 21.160, if an action or pro-
4 ceeding based on a tort or contract is filed before July 1, 2014, and the
5 complaint or any other pleading filed in the proceeding is amended on
6 or after July 1, 2014, to increase the amount claimed, the person filing
7 the amended pleading must pay an additional filing fee if the filing fee
8 under ORS 21.160 is greater than the filing fee previously paid. The
9 amount of the additional filing fee is equal to the difference between
10 the filing fee previously paid and the filing fee that would have been
11 collected under ORS 21.170 or 21.180 if the amount had been claimed
12 in the original pleading.

13 “(5) Notwithstanding ORS 21.105, 21.170 and 21.180, if a petition for
14 the appointment of a personal representative or the initial documents
15 for a conservatorship proceeding are filed before July 1, 2014, and the
16 inventory filed in the proceeding is amended to increase the value of
17 the estate on or after July 1, 2014, the person filing the amended
18 pleading must pay an additional filing fee that is equal to the differ-
19 ence between the filing fee that was paid by the party when the ori-
20 ginal pleading was filed and the filing fee that would have been
21 collected under ORS 21.170 or 21.180 if the amount had been pleaded in
22 the original pleading.

23

24

“WRITS OF GARNISHMENT

25

26 “SECTION 39. ORS 18.999 is amended to read:

27 “18.999. This section establishes the right of a plaintiff to recover certain
28 moneys the plaintiff has expended to recover a debt under ORS 18.854 or to
29 enforce a judgment and establishes procedures for that recovery. The fol-
30 lowing apply to this section:

1 “(1) When a plaintiff receives moneys under a garnishment, attachment
2 or payment, the plaintiff may proceed as follows:

3 “(a) Before crediting the total amount of moneys received against the
4 judgment or debt, the plaintiff may recover and keep from the total amount
5 received under the garnishment, attachment or payment any moneys allowed
6 to be recovered under this section.

7 “(b) After recovering moneys as allowed under paragraph (a) of this sub-
8 section, the plaintiff shall credit the remainder of the moneys received
9 against the judgment or debt as provided by law.

10 “(2) Moneys recovered under subsection (1)(a) of this section shall not be
11 considered moneys paid on and to be credited against the original judgment
12 or debt sought to be enforced. No additional judgment is necessary to recover
13 moneys in the manner provided in subsection (1)(a) of this section.

14 “(3) The only moneys a plaintiff may recover under subsection (1)(a) of
15 this section are those described in subsection (4) of this section that the
16 plaintiff has paid to enforce the existing specific judgment or debt that the
17 specific garnishment or attachment was issued to enforce or upon which the
18 payment was received. Moneys recoverable under subsection (1)(a) of this
19 section remain recoverable and, except as provided under subsection (8) of
20 this section, may be recovered from moneys received by the plaintiff under
21 subsequent garnishments, attachments or payments on the same specific
22 judgment or debt.

23 “(4) This section allows the recovery only of the following:

24 “(a) Statutorily established moneys that meet the requirements under
25 subsection (3) of this section, as follows:

26 “(A) Garnishee’s search fees under ORS 18.790.

27 “(B) Fees for delivery of writs of garnishment under ORS 18.652.

28 “(C) Circuit court fees as provided under ORS 21.235 and 21.258.

29 “(D) County court fees as provided under ORS 5.125.

30 “(E) County clerk recording fees as provided in ORS 205.320.

1 “(F) Actual fees or disbursements made under ORS 21.300.

2 “(G) Costs of execution as provided in ORS 105.112.

3 “(H) Fees paid to an attorney for issuing a garnishment in an amount not
4 to exceed [~~\$35~~] **\$37** for each garnishment.

5 “(I) Costs of an execution sale as described in ORS 18.950 (2).

6 “(J) Fees paid under ORS 21.200 for motions and responses to motions
7 filed after entry of a judgment.

8 “(K) Amounts paid to a sheriff for the fees and expenses of executing a
9 warrant under ORS 105.510.

10 “(b) Interest on the amounts specified in paragraph (a) of this subsection
11 at the rate provided for judgments in ORS 82.010 for the period of time be-
12 ginning with the expenditure of the amount and ending upon recovery of the
13 amount under this section.

14 “(5) The plaintiff shall be responsible for doing all of the following:

15 “(a) Maintaining a precise accounting of moneys recovered under sub-
16 section (1)(a) of this section and making the accounting available for any
17 proceeding relating to that judgment or debt.

18 “(b) Providing reasonable notice to the defendant of moneys the plaintiff
19 recovers under subsection (1)(a) of this section.

20 “(6) Moneys recovered under subsection (1)(a) of this section remain sub-
21 ject to all other provisions of law relating to payments, or garnished or at-
22 tached moneys including, but not limited to, those relating to exemption,
23 claim of exemption, overpayment and holding periods.

24 “(7) Nothing in this section limits the right of a plaintiff to recover
25 moneys described in this section or other moneys in any manner otherwise
26 allowed by law.

27 “(8) A writ of garnishment or attachment is not valid if issued solely to
28 recover moneys recoverable under subsection (1)(a) of this section unless the
29 right to collect the moneys is first reduced to a judgment or to a debt en-
30 forceable under ORS 18.854.

1 **“SECTION 40.** ORS 21.235 is amended to read:

2 “21.235. (1) A circuit court shall collect a fee of [~~\$15~~] **\$16** for:

3 “(a) Making or entering a transcript of a judgment.

4 “(b) Preparing a certified copy of a satisfaction document under ORS
5 18.225 (5).

6 “(c) Issuing notices of restitution as provided in ORS 105.151.

7 “(d) Any other service that is statutorily made subject to the fee estab-
8 lished in this section.

9 “(2) A circuit court shall collect a fee of [~~\$35~~] **\$37** for issuing a writ of
10 execution or a writ of garnishment.

11 **“SECTION 40a.** ORS 21.235, as amended by section 40 of this 2013 Act,
12 is amended to read:

13 “21.235. (1) A circuit court shall collect a fee of [~~\$16~~] **\$15** for:

14 “(a) Making or entering a transcript of a judgment.

15 “(b) Preparing a certified copy of a satisfaction document under ORS
16 18.225 (5).

17 “(c) Issuing notices of restitution as provided in ORS 105.151.

18 “(d) Any other service that is statutorily made subject to the fee estab-
19 lished in this section.

20 “(2) A circuit court shall collect a fee of [~~\$37~~] **\$35** for issuing a writ of
21 execution or a writ of garnishment.

22 **“SECTION 41. (1) The amendments to ORS 18.999 and 21.235 (2) by**
23 **sections 39 and 40 of this 2013 Act apply only to writs of garnishment**
24 **issued on or after October 1, 2013.**

25 **“(2) The amendments to ORS 21.235 (1) by section 40 of this 2013 Act**
26 **apply only to services described in ORS 21.235 (1) that are rendered on**
27 **or after October 1, 2013.**

28 **“SECTION 41a. (1) The amendments to ORS 21.235 (2) by section 40a**
29 **of this 2013 Act become operative on July 1, 2014.**

30 **“(2) The amendments to ORS 21.235 (2) by section 40a of this 2013**

1 **Act apply only to writs of garnishment issued on or after July 1, 2014.**
2 **“(3) The amendments to ORS 21.235 (1) by section 40a of this 2013**
3 **Act apply only to services described in ORS 21.235 (1) that are rendered**
4 **on or after July 1, 2014.**

5

6

“MARRIAGE SOLEMNIZATION

7

8 **“SECTION 42.** ORS 106.120 is amended to read:

9 “106.120. (1) As used in this section, ‘judicial officer’ means:

10 “(a) A judicial officer of this state as that term is defined in ORS 1.210
11 and includes but is not limited to a judge of a municipal court and a justice
12 of the peace.

13 “(b) An active judge of a federal court.

14 “(c) An active United States magistrate judge.

15 “(2) Marriages may be solemnized by:

16 “(a) A judicial officer;

17 “(b) A county clerk;

18 “(c) Religious congregations or organizations as indicated in ORS 106.150
19 (2); or

20 “(d) A clergyperson of any religious congregation or organization who is
21 authorized by the congregation or organization to solemnize marriages.

22 “(3) A person authorized to solemnize marriages under subsection (2) of
23 this section may solemnize a marriage anywhere in this state.

24 “(4)(a) When a marriage is solemnized by a tax, appellate or circuit judge
25 of this state, the clerk of the court or the county clerk shall collect a fee
26 of [~~\$100~~] **\$105** and deposit the fee in the Judicial Department Operating Ac-
27 count established in ORS 1.009.

28 “(b) When a marriage is solemnized by a county clerk, the county clerk
29 shall collect a fee of [~~\$100~~] **\$105**, as provided in ORS 205.320.

30 “(c) The fee described in this subsection may be collected only if:

1 “(A) The marriage is solemnized during normal working hours, excluding
2 holidays;

3 “(B) The marriage is solemnized in court facilities or a county clerk’s
4 office; or

5 “(C) More than a minimal amount of staff time or other court or county
6 clerk’s office resources are used in connection with the solemnization.

7 “(d) The Chief Justice of the Supreme Court or the county clerk may es-
8 tablish a written procedure for waiver of the fee required under this sub-
9 section in exigent circumstances, including but not limited to indigency of
10 the parties to the marriage.

11 “(5) In addition to any fee collected under subsection (4) of this section,
12 a judicial officer of this state and a county clerk may charge and accept an
13 agreed upon personal payment not to exceed \$100 plus actual costs for the
14 solemnization of a marriage if that solemnization is performed:

15 “(a) At a place other than the courthouse where the judicial officer or
16 county clerk serves; or

17 “(b) Outside of the judicial officer’s or county clerk’s normal working
18 hours.

19 “(6) The charging and accepting of a personal payment by a judicial offi-
20 cer of this state or a county clerk under subsection (5) of this section does
21 not constitute a violation of any of the provisions of ORS chapter 244.

22 “(7) The amount of actual costs charged by a judicial officer of this state
23 or a county clerk under subsection (5) of this section may not exceed:

24 “(a) Actual expenses for food and lodging as verified by receipts.

25 “(b) If travel is made by personal vehicle, the actual number of round-trip
26 miles from the judicial officer’s or county clerk’s home or office, whichever
27 is greater, compensated at the rate of reimbursement then provided by the
28 State of Oregon to its employees or, if travel is made by a commercial car-
29 rier, reimbursement shall be made of the actual costs thereof, verified by
30 receipts.

1 “(8) A judicial officer of this state or a county clerk shall maintain re-
2 cords of the amount of personal payments received for performing marriages,
3 of actual costs and the supporting documentation related thereto for a period
4 of four years.

5 “(9) The parties to a marriage solemnized by a tax, appellate or circuit
6 judge of this state shall show to the judge proof of payment of the fee re-
7 quired under subsection (4)(a) of this section before solemnization. Except
8 as provided in subsection (4)(d) of this section, the judge may not solemnize
9 a marriage without proof of payment of the fee.

10 **“SECTION 42a.** ORS 106.120, as amended by section 42 of this 2013 Act,
11 is amended to read:

12 “106.120. (1) As used in this section, ‘judicial officer’ means:

13 “(a) A judicial officer of this state as that term is defined in ORS 1.210
14 and includes but is not limited to a judge of a municipal court and a justice
15 of the peace.

16 “(b) An active judge of a federal court.

17 “(c) An active United States magistrate judge.

18 “(2) Marriages may be solemnized by:

19 “(a) A judicial officer;

20 “(b) A county clerk;

21 “(c) Religious congregations or organizations as indicated in ORS 106.150
22 (2); or

23 “(d) A clergyperson of any religious congregation or organization who is
24 authorized by the congregation or organization to solemnize marriages.

25 “(3) A person authorized to solemnize marriages under subsection (2) of
26 this section may solemnize a marriage anywhere in this state.

27 “(4)(a) When a marriage is solemnized by a tax, appellate or circuit judge
28 of this state, the clerk of the court or the county clerk shall collect a fee
29 of [~~\$105~~] **\$100** and deposit the fee in the Judicial Department Operating Ac-
30 count established in ORS 1.009.

1 “(b) When a marriage is solemnized by a county clerk, the county clerk
2 shall collect a fee of [~~\$105~~] **\$100**, as provided in ORS 205.320.

3 “(c) The fee described in this subsection may be collected only if:

4 “(A) The marriage is solemnized during normal working hours, excluding
5 holidays;

6 “(B) The marriage is solemnized in court facilities or a county clerk’s
7 office; or

8 “(C) More than a minimal amount of staff time or other court or county
9 clerk’s office resources are used in connection with the solemnization.

10 “(d) The Chief Justice of the Supreme Court or the county clerk may es-
11 tablish a written procedure for waiver of the fee required under this sub-
12 section in exigent circumstances, including but not limited to indigency of
13 the parties to the marriage.

14 “(5) In addition to any fee collected under subsection (4) of this section,
15 a judicial officer of this state and a county clerk may charge and accept an
16 agreed upon personal payment not to exceed \$100 plus actual costs for the
17 solemnization of a marriage if that solemnization is performed:

18 “(a) At a place other than the courthouse where the judicial officer or
19 county clerk serves; or

20 “(b) Outside of the judicial officer’s or county clerk’s normal working
21 hours.

22 “(6) The charging and accepting of a personal payment by a judicial offi-
23 cer of this state or a county clerk under subsection (5) of this section does
24 not constitute a violation of any of the provisions of ORS chapter 244.

25 “(7) The amount of actual costs charged by a judicial officer of this state
26 or a county clerk under subsection (5) of this section may not exceed:

27 “(a) Actual expenses for food and lodging as verified by receipts.

28 “(b) If travel is made by personal vehicle, the actual number of round-trip
29 miles from the judicial officer’s or county clerk’s home or office, whichever
30 is greater, compensated at the rate of reimbursement then provided by the

1 State of Oregon to its employees or, if travel is made by a commercial car-
2 rier, reimbursement shall be made of the actual costs thereof, verified by
3 receipts.

4 “(8) A judicial officer of this state or a county clerk shall maintain re-
5 cords of the amount of personal payments received for performing marriages,
6 of actual costs and the supporting documentation related thereto for a period
7 of four years.

8 “(9) The parties to a marriage solemnized by a tax, appellate or circuit
9 judge of this state shall show to the judge proof of payment of the fee re-
10 quired under subsection (4)(a) of this section before solemnization. Except
11 as provided in subsection (4)(d) of this section, the judge may not solemnize
12 a marriage without proof of payment of the fee.

13 **“SECTION 43. The amendments to ORS 106.120 by section 42 of this**
14 **2013 Act apply to marriages solemnized on or after October 1, 2013.**

15 **“SECTION 43a. The amendments to ORS 106.120 by section 42a of**
16 **this 2013 Act:**

17 **“(1) Become operative on July 1, 2014.**

18 **“(2) Apply to marriages solemnized on or after July 1, 2014.**

19

20 **“PREVAILING PARTY FEES**

21

22 **“SECTION 44. ORS 20.190 is amended to read:**

23 **“20.190. (1) Except as provided in subsections (2) to (5) of this section, a**
24 **prevailing party in a civil action or proceeding who has a right to recover**
25 **costs and disbursements in the following cases also has a right to recover,**
26 **as a part of the costs and disbursements, the following additional amounts:**

27 **“(a) In the Supreme Court or Court of Appeals, on an appeal, \$100.**

28 **“(b) In a circuit court:**

29 **“(A) When judgment is given without trial of an issue of law or fact or**
30 **on an appeal, [~~\$60~~] **\$85**; or**

1 “(B) When judgment is given after trial of an issue of law or fact, [~~\$85~~]
2 **\$105.**

3 “(c) In a small claims department, a county court or justice court[, *one-*
4 *half of the amount provided for in paragraph (b) of this subsection.*]:

5 “(A) **When judgment is given without trial of an issue of law or fact**
6 **or on an appeal, \$50; or**

7 “(B) **When judgment is given after trial of an issue of law or fact,**
8 **\$60.**

9 “(2) In lieu of the prevailing party fee provided for in subsection (1) of
10 this section, in any civil action or proceeding in which recovery of money
11 or damages is sought, a prevailing party who has a right to recover costs
12 and disbursements also has a right to recover, as a part of the costs and
13 disbursements, the following additional amounts:

14 “(a) In a circuit court:

15 “(A) When judgment is given without trial of an issue of law or fact,
16 [~~\$275~~] **\$300; or**

17 “(B) When judgment is given after trial of an issue of law or fact, [~~\$550~~]
18 **\$575.**

19 “(b) In a small claims department, a county court or justice court:

20 “(A) When judgment is given without trial of an issue of law or fact,
21 [~~\$93~~] **\$100; or**

22 “(B) When judgment is given after trial of an issue of law or fact, [~~\$108~~]
23 **\$115.**

24 “(3) In addition to the amounts provided for in subsection (2) of this sec-
25 tion, in any civil action or proceeding in a circuit court in which recovery
26 of money or damages is sought, the court may award to the prevailing party
27 up to an additional \$5,000 as a prevailing party fee. The court shall consider
28 the following factors in making an award under the provisions of this sub-
29 section:

30 “(a) The conduct of the parties in the transactions or occurrences that

1 gave rise to the litigation, including any conduct of a party that was reck-
2 less, willful, malicious, in bad faith or illegal.

3 “(b) The objective reasonableness of the claims and defenses asserted by
4 the parties.

5 “(c) The extent to which an award of a larger prevailing party fee in the
6 case would deter others from asserting good faith claims or defenses in sim-
7 ilar cases.

8 “(d) The extent to which an award of a larger prevailing party fee in the
9 case would deter others from asserting meritless claims and defenses.

10 “(e) The objective reasonableness of the parties and the diligence of the
11 parties and their attorneys during the proceedings.

12 “(f) The objective reasonableness of the parties and the diligence of the
13 parties in pursuing settlement of the dispute.

14 “(g) Any award of attorney fees made to the prevailing party as part of
15 the judgment.

16 “(h) Such other factors as the court may consider appropriate under the
17 circumstances of the case.

18 “(4) Nonprevailing parties are jointly liable for the prevailing party fees
19 provided for in this section. A court may not award more than one prevailing
20 party fee to a prevailing party under this section, or more than one prevail-
21 ing party fee against a nonprevailing party regardless of the number of par-
22 ties in the action, and, upon being paid the amount of the award, the
23 prevailing party may not seek recovery of any additional amounts under the
24 provisions of this section from any other nonprevailing party.

25 “(5) In any appeal from the award or denial of a prevailing party fee un-
26 der subsection (2) of this section, the court reviewing the award may not
27 modify the decision of the court in making or denying an award, or the de-
28 cision of the court as to the amount of the award, except upon a finding of
29 an abuse of discretion.

30 “(6) The prevailing party fees provided for in this section may not be

1 awarded in the following proceedings:

2 “(a) A class action proceeding under ORCP 32.

3 “(b) A condemnation proceeding.

4 “(c) Proceedings under the provisions of ORS chapters 25, 107, 108, 109
5 and 110.

6 “(7) Mandatory arbitration under ORS 36.400 to 36.425 does not constitute
7 a trial of an issue of law or fact for the purposes of this section.

8 **“SECTION 45. The amendments to ORS 20.190 by section 44 of this**
9 **2013 Act apply only to actions commenced on or after October 1, 2013.**

10

11 **“STATE COURT TECHNOLOGY FUND**

12

13 **“SECTION 46. (1) The State Court Technology Fund is established**
14 **in the State Treasury, separate and distinct from the General Fund.**
15 **Interest earned by the State Court Technology Fund shall be credited**
16 **to the fund.**

17 **“(2) All fees received on and after July 1, 2013, for the use of the**
18 **Oregon Judicial Information Network under ORS 1.002 (6) and for the**
19 **use of other state court electronic applications and systems shall be**
20 **deposited into the fund.**

21 **“(3) The fund consists of the moneys deposited into the fund under**
22 **subsection (2) of this section and the moneys deposited into the fund**
23 **under section 47 of this 2013 Act.**

24 **“(4) Moneys in the fund are continuously appropriated to the Judi-**
25 **cial Department for the purposes of:**

26 **“(a) Developing, maintaining and supporting state court electronic**
27 **applications, services and systems and for providing access to and use**
28 **of those applications, services and systems; and**

29 **“(b) Providing electronic service and filing services.**

30 **“SECTION 47. Notwithstanding ORS 21.005, each month the State**

1 Court Administrator shall transfer to the State Court Technology
2 Fund 4.75 percent of the fees collected by the State Court Adminis-
3 trator under ORS 21.010, 21.135, 21.145, 21.155, 21.160, 21.170, 21.180,
4 21.235, 46.570, 105.130 and 106.120.

5 **“SECTION 48. Section 47 of this 2013 Act applies only to fees col-
6 lected on and after October 1, 2013, and before July 1, 2014.**

7 **“SECTION 48a. Section 47 of this 2013 Act is repealed on July 1,
8 2014.**

9
10 **“EXPENDITURE LIMITATIONS**

11
12 **“SECTION 49. Notwithstanding any other law limiting expenditures,
13 the limitation on expenditures established by section 2 (6), chapter __,
14 Oregon Laws 2013 (Enrolled House Bill 5016), for the biennium begin-
15 ning July 1, 2013, as the maximum limit for payment of expenses from
16 fees, moneys or other revenues, including Miscellaneous Receipts and
17 including reimbursements from federal service agreements, but ex-
18 cluding lottery funds and federal funds not described in this section,
19 collected or received by the Judicial Department, is increased by
20 \$550,000 for the purposes described in section 46 (4) of this 2013 Act.**

21 **“SECTION 50. Notwithstanding any other law limiting expenditures,
22 the limitation on expenditures established by section 2 (4), chapter __,
23 Oregon Laws 2013 (Enrolled House Bill 5016), for the biennium begin-
24 ning July 1, 2013, as the maximum limit for payment of expenses from
25 fees, moneys or other revenues, including Miscellaneous Receipts and
26 including reimbursements from federal service agreements, but ex-
27 cluding lottery funds and federal funds not described in this section,
28 collected or received by the Judicial Department, is decreased by
29 \$3,459,555.”.**

30 In line 14, delete “29” and insert “51”.

1 In line 20, delete "30" and insert "52".

2 _____