

SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2562

July 6

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

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

8 “(a) \$45; or

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

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

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

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

18 On page 15, after line 10, insert:

“WAIVER OF APPELLATE MOTION FEES FOR PUBLIC BODIES

21
22 “**SECTION 28a.** ORS 21.025 is amended to read:

23 “21.025. (1) In any appeal or petition for review subject to a fee under ORS 21.010, a \$50 fee
24 must be paid by the party filing one of the following motions and by the party responding to the
25 motion:

26 “[1] (a) A motion to dismiss filed by a respondent.

27 “[2] (b) A motion to determine jurisdiction.

28 “[3] (c) A motion for continuance.

29 “[4] (d) A motion for an extension of time for the filing of a brief or other document in the
30 proceeding.

31 “(2) **The fees provided for in this section may not be collected from the state, a county,
32 a city or a school district.**

33 “**SECTION 28b.** (1) **The amendments to ORS 21.025 by section 28a of this 2013 Act apply
34 to all motions filed by the state, a county, a city or a school district on and after October
35 1, 2011.**

36 “(2) **Notwithstanding subsection (1) of this section, the amount of any fee collected from
37 the state, a county, a city or a school district under ORS 21.025, as in effect immediately**

1 before the effective date of this 2013 Act, is validated.

2
3 **“FILING FEES**

4
5 **“SECTION 29.** ORS 21.010 is amended to read:

6 “21.010. (1) Except as provided in this section, the appellant in an appeal or the petitioner in a
7 judicial review in the Supreme Court or the Court of Appeals shall pay a filing fee of [~~\$355~~] **\$373**
8 in the manner prescribed by ORS 19.265. The respondent in such case and any other person ap-
9 pearing in the appeal, upon entering first appearance or filing first brief in the court, shall pay to
10 the State Court Administrator a filing fee of [~~\$355~~] **\$373**. The party entitled to costs and disburse-
11 ments on such appeal shall recover from the opponent the amount so paid.

12 “(2) Filing and appearance fees may not be assessed in appeals from habeas corpus proceedings
13 under ORS 34.710, post-conviction relief proceedings under ORS 138.650, juvenile court under ORS
14 419A.200, the involuntary commitment of persons determined to be mentally ill under ORS 426.135
15 or persons determined to have an intellectual disability under ORS 427.295 or orders of the State
16 Board of Parole and Post-Prison Supervision or on judicial review of orders entered under ORS
17 161.315 to 161.351 by the Psychiatric Security Review Board or the Oregon Health Authority.

18 “(3) Filing and appearance fees shall be assessed in an appeal from an appeal to a circuit court
19 from a justice court or municipal court in an action alleging commission of a state offense desig-
20 nated as a violation or an action alleging violation of a city charter or ordinance, but not in an
21 action alleging commission of a state crime.

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

24 “(5) The filing and appearance fees established by this section apply to cases of original juris-
25 diction in the Supreme Court.

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

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

33 “(2) Filing and appearance fees may not be assessed in appeals from habeas corpus proceedings
34 under ORS 34.710, post-conviction relief proceedings under ORS 138.650, juvenile court under ORS
35 419A.200, the involuntary commitment of persons determined to be mentally ill under ORS 426.135
36 or persons determined to have an intellectual disability under ORS 427.295 or orders of the State
37 Board of Parole and Post-Prison Supervision or on judicial review of orders entered under ORS
38 161.315 to 161.351 by the Psychiatric Security Review Board or the Oregon Health Authority.

39 “(3) Filing and appearance fees shall be assessed in an appeal from an appeal to a circuit court
40 from a justice court or municipal court in an action alleging commission of a state offense desig-
41 nated as a violation or an action alleging violation of a city charter or ordinance, but not in an
42 action alleging commission of a state crime.

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

45 “(5) The filing and appearance fees established by this section apply to cases of original juris-

1 diction in the Supreme Court.

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

3 “21.135. (1) Unless a specific fee is provided by other law for a proceeding, a circuit court shall
4 collect a filing fee of [~~\$240~~] **\$252** when a complaint or other document is filed for the purpose of
5 commencing an action or other civil proceeding and when an answer or other first appearance is
6 filed in the proceeding.

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

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

9 “(b) Appeals from a conviction of a violation in justice or municipal courts as provided in ORS
10 21.285.

11 “(c) Interpleader actions.

12 “(d) Adoptions under ORS chapter 109.

13 “(e) Actions relating to a trust.

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

15 “(g) Declaratory judgment actions.

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

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

19 “21.135. (1) Unless a specific fee is provided by other law for a proceeding, a circuit court shall
20 collect a filing fee of [~~\$252~~] **\$240** when a complaint or other document is filed for the purpose of
21 commencing an action or other civil proceeding and when an answer or other first appearance is
22 filed in the 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 courts as provided in ORS
26 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.

31 “(g) Declaratory judgment actions.

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

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

35 “21.145. In the following proceedings, a circuit court shall collect a filing fee of [~~\$105~~] **\$111** when
36 a complaint or other document is filed for the purpose of commencing an action or other proceeding
37 and at the time of filing an answer or other first appearance in the proceeding:

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

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

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

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

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

44 “21.145. In the following proceedings, a circuit court shall collect a filing fee of [~~\$111~~] **\$105** when
45 a complaint or other document is filed for the purpose of commencing an action or other proceeding

1 and at the time of filing an answer or other first appearance in the proceeding:

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

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

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

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

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

8 “21.155. A circuit court shall collect a filing fee of [~~\$260~~] **\$273** when a complaint or other doc-
9 ument is filed for the purpose of commencing one of the following proceedings and when an answer
10 or other first appearance is filed in the proceeding:

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

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

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

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

15 “21.155. A circuit court shall collect a filing fee of [~~\$273~~] **\$260** when a complaint or other doc-
16 ument is filed for the purpose of commencing one of the following proceedings and when an answer
17 or other first appearance is filed in the proceeding:

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

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

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

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

23 “21.160. (1) A circuit court shall collect the following filing fees when a complaint or other
24 document is filed for the purpose of commencing an action or other civil proceeding based on a tort
25 or contract and when an answer or other first appearance is filed in the proceeding:

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

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

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

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

33 “(e) If the amount claimed is \$10 million or more, the court shall collect a filing fee of [~~\$1,005~~]
34 **\$1,056**.

35 “(2) The filing fees provided by this section apply to proceedings for the foreclosure of a mort-
36 gage, lien or other security interest. For the purposes of such proceedings, the amount claimed is
37 the amount of the debt secured by the mortgage, lien or other security interest that is owing as of
38 the date that the proceeding is filed.

39 “(3) The filing fees provided by this section apply to proceedings for specific performance of a
40 contract. For the purposes of such proceedings, the amount claimed is the amount owing under the
41 contract on the date that the proceeding is filed.

42 “(4) A court shall collect the filing fees provided by this section when an appeal from a justice
43 court is filed under ORS 53.005 to 53.125 or a case is transferred from a justice court under ORS
44 52.320.

45 “(5) For purposes of this section, the amount claimed in a proceeding does not include any

1 amount claimed as attorney fees or as costs and disbursements.

2 “(6) For purposes of this section, the amount claimed in a proceeding includes any penalty or
3 forfeiture provided by statute or arising out of contract.

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

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

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

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

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

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

16 “(e) If the amount claimed is \$10 million or more, the court shall collect a filing fee of [~~\$1,056~~]
17 **\$1,005.**

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

22 “(3) The filing fees provided by this section apply to proceedings for specific performance of a
23 contract. For the purposes of such proceedings, the amount claimed is the amount owing under the
24 contract on the date that the proceeding is filed.

25 “(4) A court shall collect the filing fees provided by this section when an appeal from a justice
26 court is filed under ORS 53.005 to 53.125 or a case is transferred from a justice court under ORS
27 52.320.

28 “(5) For purposes of this section, the amount claimed in a proceeding does not include any
29 amount claimed as attorney fees or as costs and disbursements.

30 “(6) For purposes of this section, the amount claimed in a proceeding includes any penalty or
31 forfeiture provided by statute or arising out of contract.

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

33 “21.170. (1) Except as provided in ORS 114.515, a probate court shall collect the following filing
34 fees for the filing of a petition for the appointment of personal representative:

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

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

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

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

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

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

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

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

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

45 “(3) For the purpose of determining the value of the estate under this section, the amount of a

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

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

5 “(5) The fees established under this section apply to county courts exercising probate jurisdic-
6 tion.

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

8 “21.170. (1) Except as provided in ORS 114.515, a probate court shall collect the following filing
9 fees for the filing of a petition for the appointment of personal representative:

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

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

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

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

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

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

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

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

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

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

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

25 “(5) The fees established under this section apply to county courts exercising probate jurisdic-
26 tion.

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

28 “21.180. (1) The court shall collect the following filing fees for the filing of the initial documents
29 in a conservatorship proceeding:

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

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

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

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

34 “(2) The court shall collect the following fees for an annual or final accounting filed in a con-
35 servatorship proceeding:

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

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

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

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

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

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

1 “(5) The fees established by this section apply to county courts exercising probate jurisdiction.
2 “**SECTION 35a.** ORS 21.180, as amended by section 35 of this 2013 Act, is amended to read:
3 “21.180. (1) The court shall collect the following filing fees for the filing of the initial documents
4 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, [~~\$531~~] **\$505**.
7 “(c) If the value of the estate is \$1 million or more, but less than \$10 million, [~~\$793~~] **\$755**.
8 “(d) If the value of the estate is \$10 million or more, [~~\$1,056~~] **\$1,005**.
9 “(2) The court shall collect the following fees for an annual or final accounting filed in a con-
10 servatorship proceeding:
11 “(a) If the value of the estate is less than \$50,000, [~~\$32~~] **\$30**.
12 “(b) If the value of the estate is \$50,000 or more, but less than \$1 million, [~~\$268~~] **\$255**.
13 “(c) If the value of the estate is \$1 million or more, but less than \$10 million, [~~\$531~~] **\$505**.
14 “(d) If the value of the estate is \$10 million or more, [~~\$1,056~~] **\$1,005**.
15 “(3) For the purpose of determining the value of the estate under this section, the amount of a
16 settlement in a wrongful death action brought for the benefit of the decedent’s surviving spouse or
17 dependents is not part of the estate.
18 “(4) Except as provided in subsection (1) of this section, at the time of filing an appearance in
19 a conservatorship proceeding the party filing the appearance must pay the filing fee established
20 under ORS 21.135.
21 “(5) The fees established by this section apply to county courts exercising probate jurisdiction.
22 “**SECTION 36.** ORS 46.570 is amended to read:
23 “46.570. The small claims department of a circuit court shall collect the following filing fees
24 from the plaintiff when a claim is filed in the court, and from the defendant when the defendant
25 demands a hearing:
26 “(1) [~~\$50~~] **\$53**, when the amount claimed is \$2,500 or less; and
27 “(2) [~~\$90~~] **\$95**, when the amount is more than \$2,500.
28 “**SECTION 36a.** ORS 46.570, as amended by section 36 of this 2013 Act, is amended to read:
29 “46.570. The small claims department of a circuit court shall collect the following filing fees
30 from the plaintiff when a claim is filed in the court, and from the defendant when the defendant
31 demands a hearing:
32 “(1) [~~\$53~~] **\$50**, when the amount claimed is \$2,500 or less; and
33 “(2) [~~\$95~~] **\$90**, when the amount is more than \$2,500.
34 “**SECTION 37.** ORS 105.130 is amended to read:
35 “105.130. (1) Except as provided in this section and ORS 105.135, 105.137 and 105.140 to 105.161,
36 an action pursuant to ORS 105.110 shall be conducted in all respects as other actions in courts of
37 this state.
38 “(2) Upon filing a complaint in the case of a dwelling unit to which ORS chapter 90 applies, the
39 clerk shall:
40 “(a) Collect a filing fee of [~~\$75~~] **\$79**;
41 “(b) Collect any other fee authorized by law or ordinance; and
42 “(c) With the assistance of the plaintiff or an agent of the plaintiff, complete the applicable
43 summons and provide to the plaintiff or an agent of the plaintiff sufficient copies of the summons
44 and complaint for service.
45 “(3) The court shall collect a filing fee of [~~\$75~~] **\$79** from a defendant that demands a trial under

1 this section.

2 “(4) An action pursuant to ORS 105.110 shall be brought in the name of a person entitled to
3 possession as plaintiff. The plaintiff may appear in person or through an attorney. In an action to
4 which ORS chapter 90 applies, the plaintiff may also appear through a nonattorney who is an agent
5 or employee of the plaintiff or an agent or employee of an agent of the plaintiff.

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

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

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

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

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

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

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

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

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

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

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

31 “(4) An action pursuant to ORS 105.110 shall be brought in the name of a person entitled to
32 possession as plaintiff. The plaintiff may appear in person or through an attorney. In an action to
33 which ORS chapter 90 applies, the plaintiff may also appear through a nonattorney who is an agent
34 or employee of the plaintiff or an agent or employee of an agent of the plaintiff.

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

37 “(a) The Attorney General consents to the representation of the agency by an officer or em-
38 ployee in the particular action or in the class of actions that includes the particular action; and

39 “(b) The agency, by rule, authorizes an officer or employee to appear on its behalf in the par-
40 ticular type of action being conducted.

41 “(6) An action brought under ORS 105.110 by a person entitled to possession of premises on the
42 basis of circumstances described in ORS 105.115 (1)(d), (e) or (f) is subject to the filing fees and other
43 court or sheriff fees applicable to an action concerning a dwelling unit that is subject to ORS
44 chapter 90. The procedure under ORS 105.105 to 105.168 that is applicable to an action concerning
45 a dwelling unit subject to ORS chapter 90 shall also apply to an action brought under ORS 105.115

1 (1)(d), (e) or (f), except that the complaint must be in the form prescribed in ORS 105.126.

2 **“SECTION 38.** (1) The amendments to ORS 20.010, 21.135, 21.145, 21.155, 21.160, 21.170,
3 21.180, 46.570 and 105.130 by sections 29, 30, 31, 32, 33, 34, 35, 36 and 37 of this 2013 Act apply
4 to filings made on or after October 1, 2013.

5 **“(2)** If a civil action or proceeding is filed before October 1, 2013, and an answer or other
6 first appearance is not filed in the proceeding until on or after October 1, 2013, the person
7 filing the answer or other first appearance must pay the appropriate fee prescribed in ORS
8 20.010, 21.135, 21.145, 21.155, 21.160, 21.165, 21.170, 21.175, 21.180, 46.570 and 105.130, as in effect
9 on October 1, 2013.

10 **“(3)** Notwithstanding ORS 21.105 and 21.160, if an action or proceeding based on a tort
11 or contract is filed before October 1, 2013, and the complaint or any other pleading filed in
12 the proceeding is amended on or after October 1, 2013, to increase the amount claimed, the
13 person filing the amended pleading must pay an additional filing fee if the filing fee under
14 ORS 21.160 is greater than the filing fee previously paid. The amount of the additional filing
15 fee is equal to the difference between the filing fee previously paid and the filing fee provided
16 by ORS 21.160 for the amount claimed.

17 **“(4)** Notwithstanding ORS 21.105, 21.170 and 21.180, if a petition for the appointment of a
18 personal representative or the initial documents for a conservatorship proceeding are filed
19 before October 1, 2013, and the inventory filed in the proceeding is amended to increase the
20 value of the estate on or after October 1, 2013, the person filing the amended pleading must
21 pay an additional filing fee that is equal to the difference between the filing fee that was paid
22 by the party when the original pleading was filed and the filing fee that would have been
23 collected under ORS 21.170 or 21.180 if the amount had been pleaded in the original pleading.

24 **“SECTION 38a.** (1) The amendments to ORS 20.010, 21.135, 21.145, 21.155, 21.160, 21.170,
25 21.180, 46.570 and 105.130 by sections 29a, 30a, 31a, 32a, 33a, 34a, 35a, 36a and 37a of this 2013
26 Act become operative on July 1, 2014.

27 **“(2)** The amendments to ORS 20.010, 21.135, 21.145, 21.155, 21.160, 21.170, 21.180, 46.570 and
28 105.130 by sections 29a, 30a, 31a, 32a, 33a, 34a, 35a, 36a and 37a of this 2013 Act apply to filings
29 made on or after July 1, 2014.

30 **“(3)** If a civil action or proceeding is filed before July 1, 2014, and an answer or other first
31 appearance is not filed in the proceeding until on or after July 1, 2014, the person filing the
32 answer or other first appearance must pay the appropriate fee prescribed in ORS 20.010,
33 21.135, 21.145, 21.155, 21.160, 21.165, 21.170, 21.175, 21.180, 46.570 and 105.130, as in effect on
34 July 1, 2014.

35 **“(4)** Notwithstanding ORS 21.105 and 21.160, if an action or proceeding based on a tort
36 or contract is filed before July 1, 2014, and the complaint or any other pleading filed in the
37 proceeding is amended on or after July 1, 2014, to increase the amount claimed, the person
38 filing the amended pleading must pay an additional filing fee if the filing fee under ORS 21.160
39 is greater than the filing fee previously paid. The amount of the additional filing fee is equal
40 to the difference between the filing fee previously paid and the filing fee that would have been
41 collected under ORS 21.170 or 21.180 if the amount had been claimed in the original pleading.

42 **“(5)** Notwithstanding ORS 21.105, 21.170 and 21.180, if a petition for the appointment of a
43 personal representative or the initial documents for a conservatorship proceeding are filed
44 before July 1, 2014, and the inventory filed in the proceeding is amended to increase the value
45 of the estate on or after July 1, 2014, the person filing the amended pleading must pay an

1 additional filing fee that is equal to the difference between the filing fee that was paid by the
2 party when the original pleading was filed and the filing fee that would have been collected
3 under ORS 21.170 or 21.180 if the amount had been pleaded in the original pleading.
4

5 **“WRITS OF GARNISHMENT**
6

7 **“SECTION 39.** ORS 18.999 is amended to read:

8 “18.999. This section establishes the right of a plaintiff to recover certain moneys the plaintiff
9 has expended to recover a debt under ORS 18.854 or to enforce a judgment and establishes proce-
10 dures for that recovery. The following apply to this section:

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

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

16 “(b) After recovering moneys as allowed under paragraph (a) of this subsection, the plaintiff
17 shall credit the remainder of the moneys received against the judgment or debt as provided by law.

18 “(2) Moneys recovered under subsection (1)(a) of this section shall not be considered moneys
19 paid on and to be credited against the original judgment or debt sought to be enforced. No addi-
20 tional judgment is necessary to recover moneys in the manner provided in subsection (1)(a) of this
21 section.

22 “(3) The only moneys a plaintiff may recover under subsection (1)(a) of this section are those
23 described in subsection (4) of this section that the plaintiff has paid to enforce the existing specific
24 judgment or debt that the specific garnishment or attachment was issued to enforce or upon which
25 the payment was received. Moneys recoverable under subsection (1)(a) of this section remain re-
26 coverable and, except as provided under subsection (8) of this section, may be recovered from mon-
27 eys received by the plaintiff under subsequent garnishments, attachments or payments on the same
28 specific judgment or debt.

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

30 “(a) Statutorily established moneys that meet the requirements under subsection (3) of this sec-
31 tion, as follows:

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

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

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

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

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

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

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

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

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

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

44 “(K) Amounts paid to a sheriff for the fees and expenses of executing a warrant under ORS
45 105.510.

1 “(b) Interest on the amounts specified in paragraph (a) of this subsection at the rate provided
2 for judgments in ORS 82.010 for the period of time beginning with the expenditure of the amount
3 and ending upon recovery of the amount under this section.

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

5 “(a) Maintaining a precise accounting of moneys recovered under subsection (1)(a) of this sec-
6 tion and making the accounting available for any proceeding relating to that judgment or debt.

7 “(b) Providing reasonable notice to the defendant of moneys the plaintiff recovers under sub-
8 section (1)(a) of this section.

9 “(6) Moneys recovered under subsection (1)(a) of this section remain subject to all other pro-
10 visions of law relating to payments, or garnished or attached moneys including, but not limited to,
11 those relating to exemption, claim of exemption, overpayment and holding periods.

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

14 “(8) A writ of garnishment or attachment is not valid if issued solely to recover moneys recov-
15 erable under subsection (1)(a) of this section unless the right to collect the moneys is first reduced
16 to a judgment or to a debt enforceable under ORS 18.854.

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

18 “21.235. (1) A circuit court shall collect a fee of [\$15] **\$16** for:

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

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

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

22 “(d) Any other service that is statutorily made subject to the fee established in this section.

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

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

26 “21.235. (1) A circuit court shall collect a fee of [\$16] **\$15** for:

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

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

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

30 “(d) Any other service that is statutorily made subject to the fee established in this section.

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

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

35 “(2) **The amendments to ORS 21.235 (1) by section 40 of this 2013 Act apply only to ser-**
36 **vices described in ORS 21.235 (1) that are rendered on or after October 1, 2013.**

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

39 “(2) **The amendments to ORS 21.235 (2) by section 40a of this 2013 Act apply only to writs**
40 **of garnishment issued on or after July 1, 2014.**

41 “(3) **The amendments to ORS 21.235 (1) by section 40a of this 2013 Act apply only to ser-**
42 **vices described in ORS 21.235 (1) that are rendered on or after July 1, 2014.**

43
44 **“MARRIAGE SOLEMNIZATION**
45

1 “**SECTION 42.** ORS 106.120 is amended to read:
2 “106.120. (1) As used in this section, ‘judicial officer’ means:
3 “(a) A judicial officer of this state as that term is defined in ORS 1.210 and includes but is not
4 limited to a judge of a municipal court and a justice of the peace.
5 “(b) An active judge of a federal court.
6 “(c) An active United States magistrate judge.
7 “(2) Marriages may be solemnized by:
8 “(a) A judicial officer;
9 “(b) A county clerk;
10 “(c) Religious congregations or organizations as indicated in ORS 106.150 (2); or
11 “(d) A clergyperson of any religious congregation or organization who is authorized by the
12 congregation or organization to solemnize marriages.
13 “(3) A person authorized to solemnize marriages under subsection (2) of this section may
14 solemnize a marriage anywhere in this state.
15 “(4)(a) When a marriage is solemnized by a tax, appellate or circuit judge of this state, the clerk
16 of the court or the county clerk shall collect a fee of [~~\$100~~] **\$105** and deposit the fee in the Judicial
17 Department Operating Account established in ORS 1.009.
18 “(b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of
19 [~~\$100~~] **\$105**, as provided in ORS 205.320.
20 “(c) The fee described in this subsection may be collected only if:
21 “(A) The marriage is solemnized during normal working hours, excluding holidays;
22 “(B) The marriage is solemnized in court facilities or a county clerk’s office; or
23 “(C) More than a minimal amount of staff time or other court or county clerk’s office resources
24 are used in connection with the solemnization.
25 “(d) The Chief Justice of the Supreme Court or the county clerk may establish a written pro-
26 cedure for waiver of the fee required under this subsection in exigent circumstances, including but
27 not limited to indigency of the parties to the marriage.
28 “(5) In addition to any fee collected under subsection (4) of this section, a judicial officer of this
29 state and a county clerk may charge and accept an agreed upon personal payment not to exceed
30 \$100 plus actual costs for the solemnization of a marriage if that solemnization is performed:
31 “(a) At a place other than the courthouse where the judicial officer or county clerk serves; or
32 “(b) Outside of the judicial officer’s or county clerk’s normal working hours.
33 “(6) The charging and accepting of a personal payment by a judicial officer of this state or a
34 county clerk under subsection (5) of this section does not constitute a violation of any of the pro-
35 visions of ORS chapter 244.
36 “(7) The amount of actual costs charged by a judicial officer of this state or a county clerk
37 under subsection (5) of this section may not exceed:
38 “(a) Actual expenses for food and lodging as verified by receipts.
39 “(b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial
40 officer’s or county clerk’s home or office, whichever is greater, compensated at the rate of re-
41 imbursement then provided by the State of Oregon to its employees or, if travel is made by a com-
42 mercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.
43 “(8) A judicial officer of this state or a county clerk shall maintain records of the amount of
44 personal payments received for performing marriages, of actual costs and the supporting documen-
45 tation related thereto for a period of four years.

1 “(9) The parties to a marriage solemnized by a tax, appellate or circuit judge of this state shall
2 show to the judge proof of payment of the fee required under subsection (4)(a) of this section before
3 solemnization. Except as provided in subsection (4)(d) of this section, the judge may not solemnize
4 a marriage without proof of payment of the fee.

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

6 “106.120. (1) As used in this section, ‘judicial officer’ means:

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

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

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

11 “(2) Marriages may be solemnized by:

12 “(a) A judicial officer;

13 “(b) A county clerk;

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

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

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

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

22 “(b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of
23 [~~\$105~~] **\$100**, as provided in ORS 205.320.

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

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

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

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

29 “(d) The Chief Justice of the Supreme Court or the county clerk may establish a written pro-
30 cedure for waiver of the fee required under this subsection in exigent circumstances, including but
31 not limited to indigency of the parties to the marriage.

32 “(5) In addition to any fee collected under subsection (4) of this section, a judicial officer of this
33 state and a county clerk may charge and accept an agreed upon personal payment not to exceed
34 \$100 plus actual costs for the solemnization of a marriage if that solemnization is performed:

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

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

37 “(6) The charging and accepting of a personal payment by a judicial officer of this state or a
38 county clerk under subsection (5) of this section does not constitute a violation of any of the pro-
39 visions of ORS chapter 244.

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

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

43 “(b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial
44 officer’s or county clerk’s home or office, whichever is greater, compensated at the rate of re-
45 imbursement then provided by the State of Oregon to its employees or, if travel is made by a com-

1 commercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.

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

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

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

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

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

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

14
15 **“PREVAILING PARTY FEES**

16
17 **“SECTION 44. ORS 20.190 is amended to read:**

18 “20.190. (1) Except as provided in subsections (2) to (5) of this section, a prevailing party in a
19 civil action or proceeding who has a right to recover costs and disbursements in the following cases
20 also has a right to recover, as a part of the costs and disbursements, the following additional
21 amounts:

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

23 “(b) In a circuit court:

24 “(A) When judgment is given without trial of an issue of law or fact or on an appeal, [~~\$60~~]
25 ~~\$85~~; or

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

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

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

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

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

36 “(a) In a circuit court:

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

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

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

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

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

42 “(3) In addition to the amounts provided for in subsection (2) of this section, in any civil action
43 or proceeding in a circuit court in which recovery of money or damages is sought, the court may
44 award to the prevailing party up to an additional \$5,000 as a prevailing party fee. The court shall
45 consider the following factors in making an award under the provisions of this subsection:

1 purposes of:

2 “(a) Developing, maintaining and supporting state court electronic applications, services
3 and systems and for providing access to and use of those applications, services and systems;
4 and

5 “(b) Providing electronic service and filing services.

6 “SECTION 47. Notwithstanding ORS 21.005, each month the State Court Administrator
7 shall transfer to the State Court Technology Fund 4.75 percent of the fees collected by the
8 State Court Administrator under ORS 21.010, 21.135, 21.145, 21.155, 21.160, 21.170, 21.180,
9 21.235, 46.570, 105.130 and 106.120.

10 “SECTION 48. Section 47 of this 2013 Act applies only to fees collected on and after Oc-
11 tober 1, 2013, and before July 1, 2014.

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

13
14 “EXPENDITURE LIMITATIONS

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

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

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

31 In line 20, delete “30” and insert “52”.