

A-Engrossed
House Bill 2562

Ordered by the House February 22
Including House Amendments dated February 22

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Judicial Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows Chief Justice of Supreme Court to adopt rules governing use of electronic applications for all state court records and for transmission of jury information to circuit courts.

Removes requirement that state courts maintain separate probate index.

Allows State Court Administrator to establish procedures for destruction of all state court records, not just circuit court records.

Modifies laws on filing of transcript on appeal to allow electronic filing of transcript.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courts; creating new provisions; amending ORS 1.002, 7.124, 7.240, 19.250, 19.365, 19.370
3 and 21.345; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5
6 **RULES FOR ELECTRONIC APPLICATIONS**

7
8 **SECTION 1.** ORS 1.002 is amended to read:

9 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-
10 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court
11 and the administrative head of the judicial department of government in this state. The Chief Justice
12 shall exercise administrative authority and supervision over the courts of this state consistent with
13 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate
14 exercise of that administrative authority and supervision, may:

15 (a) Make rules and issue orders appropriate to that exercise.

16 (b) Require appropriate reports from the judges, other officers and employees of the courts of
17 this state and municipal courts.

18 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or
19 reassign on a temporary basis all judges of the courts of this state to serve in designated locations
20 within or without the county or judicial district for which the judge was elected.

21 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for
22 all operations in the Judicial Department.

23 (e) Establish time standards for disposition of cases.

24 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial
25 Department.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (g) Assign or reassign all court staff of courts operating under the Judicial Department.
- 2 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
- 3 personnel rules and policies for judges of courts operating under the Judicial Department.
- 4 (i) Establish procedures for closing courts in emergencies.
- 5 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS
- 6 174.120 and other rules and laws that refer to periods of time when courts are closed.
- 7 (k) Take any other action appropriate to the exercise of the powers specified in this section and
- 8 other law, and appropriate to the exercise of administrative authority and supervision by the Chief
- 9 Justice over the courts of this state.
- 10 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-
- 11 cluding but not limited to rules relating to **any of the following**:
- 12 (a) Applications based on the use of the Internet and other similar technologies[;].
- 13 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
- 14 of the original paper copy, for [a] **any record of the courts maintained under ORS 7.095 and for**
- 15 **any** document, process or paper that is served, delivered, received, filed, entered or retained in any
- 16 action or proceeding[;].
- 17 (c) The use of electronic signatures or another form of identification for any document, process
- 18 or paper that is [*served, delivered, received, filed, entered or retained in any action or proceeding and*
- 19 *that is*] required by any law or rule to be signed[;] **and that is**:
- 20 **(A) Served, delivered, received, filed, entered or retained in any action or proceeding;**
- 21 **(B) Maintained under ORS 7.095; or**
- 22 **(C) Transmitted to or from a circuit court under the provisions of ORS chapter 10.**
- 23 (d) The use of electronic transmission for:
- 24 **(A) [The service of] Serving** documents in [a] **an action or** proceeding, other than [*service of*]
- 25 a summons or [*service of*] an initial complaint or petition;
- 26 **(B) Filing documents with a court;**
- 27 **(C) Transmitting documents to or from a circuit court under the provisions of ORS**
- 28 **chapter 10; and**
- 29 **(D) Providing certified electronic copies of court documents and other Judicial Depart-**
- 30 **ment records to another person or public body.**
- 31 (e) Payment of statutory or court-ordered monetary obligations through electronic media[;].
- 32 (f) Electronic storage of court documents[;].
- 33 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
- 34 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
- 35 or 810.425[;].
- 36 (h) Public access through electronic means to court documents that are required or authorized
- 37 to be made available to the public by law[; *and*].
- 38 (i) Transmission of open court proceedings through electronic media.
- 39 (3) The Chief Justice may make rules relating to the data that state courts may require parties
- 40 and other persons to submit for the purpose of distinguishing particular persons from other persons.
- 41 If the rules require the submission of data that state or federal law does not require that the courts
- 42 make public, the rules may also require courts to keep the data confidential and not release the data
- 43 except pursuant to a court order issued for good cause shown. Data that is made confidential under
- 44 the rules is not subject to disclosure under ORS 192.410 to 192.505.
- 45 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent

1 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
2 files, enters or retains an electronic document, or an electronic image of a paper document in lieu
3 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
4 (2) of this section shall be considered to have complied with any rule or law governing service, de-
5 livery, reception, filing, entry or retention of a paper document.

6 (5) Rules made and orders issued by the Chief Justice under this section shall permit as much
7 variation and flexibility in the administration of the courts of this state as are appropriate to the
8 most efficient manner of administering each court, considering the particular needs and circum-
9 stances of the court, and consistent with the sound and efficient administration of the judicial de-
10 partment of government in this state.

11 (6) The Chief Justice may establish fees for the use of the Oregon Judicial Information Network.

12 (7) The judges, other officers and employees of the courts of this state shall comply with rules
13 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge
14 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules
15 made and orders issued by the Chief Justice.

16 (8) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district of
17 this state are the administrative heads of their respective courts. They are responsible and ac-
18 countable to the Chief Justice of the Supreme Court in the exercise of their administrative authority
19 and supervision over their respective courts. Other judges of the Court of Appeals or court under
20 a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the
21 Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of admin-
22 istrative authority and supervision.

23 (9) The Chief Justice may delegate the exercise of any of the powers specified by this section
24 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers
25 specified by this section to the State Court Administrator, as may be appropriate.

26 (10) This section applies to justices of the peace and the justice courts of this state solely for
27 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education
28 of justices of the peace.

29
30 **PROBATE INDEX**

31
32 **SECTION 2.** ORS 7.240 is amended to read:

33 7.240. *[The proceedings in probate matters shall be entered and recorded by the clerk or court*
34 *administrator in the following records:]*

35 **(1) For probate matters in state courts, the clerk or court administrator shall enter and**
36 **record the proceedings in the register described in ORS 7.020.**

37 **(2) For probate matters in courts other than state courts, the clerk or court adminis-**
38 **trator shall enter and record the proceedings in the following records:**

39 [(1)] **(a)** A register, in which shall be entered a memorandum of all official business transacted
40 by the court or judge thereof pertaining to the estate of each decedent, under the name of the
41 decedent, and that pertaining to each protective proceeding under ORS chapter 125, under the name
42 of the protected person.

43 [(2)] **(b)** A probate index, in which shall be kept an index of all the entries in the register under
44 the names of the persons to whose estate, person or business the entries relate, which names shall
45 be arranged chronologically in alphabetical order.

DESTRUCTION OF COURT RECORDS

SECTION 3. ORS 7.124 is amended to read:

7.124. (1) Pursuant to ORS 8.125 (11), the State Court Administrator may establish procedures that provide for the destruction of records, instruments, books, papers, transcripts and other documents filed in a *[circuit]* **state** court after making a photographic film, microphotographic film, electronic image or other photographic or electronic copy of each document that is destroyed.

(2) A *[circuit]* **state** court may use procedures established under subsection (1) of this section only if at the time of making the copy **of the document or group of documents**, the *[trial]* court administrator *[for the court]* attaches to the copy, attaches to the sealed container in which the copy is placed or incorporates **or causes to be incorporated** into the copy:

(a) A *[certification]* **statement** that the copy is a correct copy of the original, or of a specified part of the original **document or group of documents; and**

(b) The date on which the copy **of the document or group of documents** was made; *and*].

[(c) A certification that the copy was made under the trial court administrator's direction and control.]

(3) A *[trial]* court administrator using film for copies under this section must promptly seal and store at least one original or negative copy of the film in a manner and place that will ensure that the film will not be lost, stolen or destroyed.

(4) A *[trial]* court administrator using electronic images for copies under procedures established under subsection (1) of this section must ensure that the electronic images are continuously updated into commonly used formats and, if necessary, transferred to media necessary to ensure that *[they]* **the electronic images** are accessible through commonly used electronic or computerized systems.

(5) *[Copies of documents]* **If a copy of a document** created under this section *[must be]* **is retained in lieu of the original** *[documents]* **document, the copy is the official court record for all purposes and must be retained** for the period established by the schedule prescribed in ORS 8.125 (11).

ELECTRONIC FILING OF TRANSCRIPTS ON APPEAL

SECTION 4. ORS 19.250 is amended to read:

19.250. (1) The notice of appeal *[shall]* **must** contain the following:

(a) The title of the cause. The party appealing a judgment *[shall]* **must** be designated the appellant and the adverse party the respondent, but the title of the action or proceeding is not otherwise changed by reason of the appeal.

(b) The names of the parties and their attorneys.

[(c) A notice to all parties or their attorneys as have appeared in the action or proceedings that an appeal is taken from the judgment or some specified part thereof and designating who are the adverse parties to the appeal.]

(c)(A) If an appellant is not represented by an attorney, a postal address for the appellant and either an electronic mail address for the appellant or a statement that the appellant does not have an electronic mail address.

(B) If the appellant is represented by an attorney, a postal address and electronic mail address for the attorney.

(d) A notice to each party that appeared in the action or proceeding, or to the attorney

1 **for the party, that an appeal is taken from the judgment or some specified part of the judg-**
 2 **ment and designating the adverse parties to the appeal. The notice of appeal must contain**
 3 **the postal address and electronic mail address, if known to the appellant, for all other parties**
 4 **designated as parties to the appeal.**

5 [(d)] (e) A designation of those portions of the proceedings and exhibits to be included in the
 6 record in addition to the trial court file. The appellant may amend the designation of record at any
 7 time after filing the notice of appeal until 35 days after the *[transcript is filed]* **filing of a certificate**
 8 **of preparation for the transcript under ORS 19.370 (3). The amendment must be made** by fil-
 9 ing and serving in the same manner as a notice of appeal a notice of amended designation of record.
 10 The amended *[notice shall]* **designation must** clearly indicate those portions of the proceedings and
 11 exhibits being added to or deleted from the original designation of record. The designation may not
 12 be later amended by the appellant unless the appellate court so orders.

13 [(e)] (f) A plain and concise statement of the points on which the appellant intends to rely. On
 14 appeal, the appellant may rely on no other points than those set forth in such statement. If the
 15 appellant has designated for inclusion in the record all the testimony and all the instructions given
 16 and requested, no statement of points is necessary. Not later than the 15th day following the filing
 17 of the **certificate of preparation for the transcript under ORS 19.370 (3)**, the appellant may serve
 18 and file an amended statement of points. Except by approval of the court, the appellant may then
 19 rely on no other points than those set forth in such amended statement.

20 [(f)] (g) The signature of the appellant or attorney for the appellant.

21 (2) Within 14 days after the filing of the notice of appeal or *[notice of]* amended designation of
 22 record, any other party may serve and file a designation of additional parts of the proceedings and
 23 exhibits to be included in the record. Such designation *[shall]* **must** be served and filed as provided
 24 for the serving and filing of a notice of appeal under ORS 19.240 and 19.260. If such party also ap-
 25 peals, the designation *[shall]* **must** be included in the notice of appeal of the party and *[shall]* **may**
 26 not be served and filed separately.

27 [(3) *The reporter shall prepare a transcript of such parts of the proceedings as are designated*
 28 *pursuant to subsection (1)(d) of this section and subsection (2) of this section.*]

29 **SECTION 5.** ORS 19.365 is amended to read:

30 19.365. (1) The record of the case *[shall]* **must** be prepared and transmitted to the court to which
 31 the appeal is made in the manner provided in this chapter.

32 (2) The record on appeal *[shall consist]* **consists** of those parts of the trial court file, exhibits
 33 and record of oral proceedings in the trial court that are designated under ORS 19.250. The record
 34 of oral proceedings *[shall be]* **is** the transcript prepared under ORS 19.370, an agreed narrative
 35 statement prepared under ORS 19.380 or the audio record if the appellate court has waived prepa-
 36 ration of a transcript under ORS 19.385.

37 (3) *[The trial court administrator shall, upon request of the State Court Administrator, deliver the*
 38 *record of the case to the appellate court.]* **The trial court administrator shall make the trial court**
 39 **record available to the State Court Administrator in the manner specified by rules of the**
 40 **appellate court.**

41 (4) When it appears to the appellate court that the record on appeal is erroneous or that the
 42 record does not contain material that should have been part of the trial court file, and the erroneous
 43 or incomplete record substantially affects the merits of the appeal, on motion of a party or on its
 44 own motion the **appellate** court may make such order to correct or supplement the record as may
 45 be just.

1 (5) If the record on appeal is not sufficient to allow the appellate court to review an assignment
2 of error, the **appellate** court may decline to review the assignment of error and may dismiss the
3 appeal if there are no other assignments of error that may be reviewed.

4 (6) [*Unless otherwise ordered by the appellate court,*] **Except as provided by rules of the ap-**
5 **pellate court,** the State Court Administrator shall return the trial court file and the exhibits to the
6 trial court administrator upon issuance of the appellate judgment disposing of the appeal.

7 **SECTION 6.** ORS 19.370, as amended by section 7, chapter 48, Oregon Laws 2012, is amended
8 to read:

9 19.370. [(1) *If a transcript is prepared from audio records by a person other than the reporter, then*
10 *the reporter shall certify the audio records and the transcript shall be certified by the person preparing*
11 *it. In all other cases the transcript shall be certified by the reporter or the trial judge.*]

12 [(2) *Except as provided in subsection (3) of this section, the person preparing the transcript shall*
13 *file the transcript with the trial court administrator within 30 days after the filing of the notice of ap-*
14 *peal. The person preparing the transcript shall give immediate notice in writing to the parties that the*
15 *transcript has been filed. Except as provided in subsection (4) of this section, the person preparing the*
16 *transcript shall serve the respondent with a copy of the transcript and shall, at the time of filing the*
17 *original transcript, file proof of such service with the trial court administrator, and with the State*
18 *Court Administrator.*]

19 [(3) *If an appeal is referred to the appellate settlement program established by the Court of Appeals*
20 *pursuant to ORS 2.560, the transcript must be filed within 30 days after expiration of the period of time*
21 *specified in the rules during which the appeal is held in abeyance, or within 30 days after the court*
22 *directs that the appeal no longer be held in abeyance, whichever occurs first.*]

23 [(4) *If there are two or more parties in addition to the appellant who have appeared in the trial*
24 *court and who are represented by different attorneys, the person preparing the transcript shall at the*
25 *time of filing the original transcript deposit a copy thereof with the trial court administrator for use*
26 *by all such other parties. The person preparing the transcript shall serve notice of such deposit upon*
27 *all such parties and file proof of such service with the trial court administrator and with the State*
28 *Court Administrator.*]

29 [(5) *Except as provided in subsection (6) of this section, within 15 days after the transcript is filed,*
30 *any party may move the trial court for an order to correct any errors appearing in the transcript or,*
31 *where the interests of justice require, to have additional parts of the proceedings included in the tran-*
32 *script. If two or more persons are preparing parts of the transcript, the motion must be filed within*
33 *15 days after the last part of the transcript is filed. A copy of any such motion shall be filed with the*
34 *court to which the appeal is made. The trial court shall direct the making of such corrections and the*
35 *adding of such matter as may be appropriate and shall fix the time within which such corrections or*
36 *additions shall be made.*]

37 [(6) *If an appeal is referred to the appellate settlement program established by the Court of Appeals*
38 *pursuant to ORS 2.560, and the transcript is filed during any period of time specified in the rules*
39 *during which the appeal is held in abeyance, a motion under subsection (5) of this section must be filed*
40 *within 15 days after expiration of the period of time the appeal is held in abeyance, or within 15 days*
41 *after the court directs that the appeal no longer be held in abeyance, whichever occurs first.*]

42 [(7) *Upon the denial of a motion to correct or add to the transcript under subsection (5) of this*
43 *section, or upon the making of such corrections or additions as may be ordered, whichever last occurs,*
44 *the trial court shall enter an order settling the transcript and send copies thereof to each of the parties*
45 *or their attorneys and to the State Court Administrator. In the absence of a motion to correct or add*

1 *to the transcript, the transcript shall be deemed automatically settled 15 days after it is filed.]*

2 **(1) If a transcript is prepared from audio records by a person other than the reporter,**
3 **the reporter shall certify the records and the transcriber shall certify the transcript. In all**
4 **other cases, the transcript must be certified by the reporter or the trial judge.**

5 **(2) A transcriber shall prepare a transcript in the format prescribed by the court by the**
6 **later of:**

7 **(a) Thirty days after the filing of the notice of appeal; or**

8 **(b) Thirty days after the expiration of any abeyance of the appeal imposed by reason of**
9 **the referral of the appeal to the appellate settlement program established by the Court of**
10 **Appeals pursuant to ORS 2.560.**

11 **(3) Immediately after preparing a transcript, the transcriber shall:**

12 **(a) Serve a copy of the transcript on the parties to the appeal in the manner required**
13 **by subsection (4) of this section; and**

14 **(b) File a certificate of preparation for the transcript with the State Court Administra-**
15 **tor. The certificate must indicate that the transcript has been served in the manner required**
16 **by subsection (4) of this section. A copy of the certificate must be served on the trial court**
17 **administrator, the transcript coordinator and the parties.**

18 **(4) A transcriber may agree with a party or an attorney on the manner in which a**
19 **transcript will be served. If there is no agreement, a transcriber shall serve a transcript in**
20 **the following manner:**

21 **(a) Subject to paragraph (d) of this subsection, if an appellant is not represented by an**
22 **attorney, the transcriber shall serve an electronic copy of the transcript on the appellant**
23 **at the electronic mail address provided by the appellant unless the appellant specifically re-**
24 **quests that a paper copy of the transcript be mailed to the appellant at the postal address**
25 **indicated in the notice of appeal. If an electronic mail address for the appellant does not**
26 **appear in the notice of appeal, the transcriber shall mail a paper copy of the transcript to**
27 **the appellant at the postal address indicated in the notice of appeal.**

28 **(b) Subject to paragraph (d) of this subsection, if a respondent is not represented by an**
29 **attorney, the transcriber shall mail a paper copy of the transcript to the respondent at the**
30 **postal address indicated in the notice of appeal unless the respondent specifically requests**
31 **that the transcriber serve an electronic copy of the transcript on the respondent at the**
32 **electronic mail address provided by the respondent.**

33 **(c) If a party is represented by an attorney, the transcriber shall serve an electronic copy**
34 **of the transcript on the attorney at the electronic mail address of the attorney identified in**
35 **the notice of appeal.**

36 **(d) If two or more unrepresented appellants request paper copies of a transcript under**
37 **paragraph (a) of this subsection, or two or more unrepresented respondents request paper**
38 **copies of a transcript under paragraph (b) of this subsection, the transcriber shall deposit a**
39 **copy of the transcript with the trial court administrator for the use of the unrepresented**
40 **parties. The copy must be in the medium specified by the trial court administrator. The**
41 **transcriber shall serve notice on the unrepresented parties that the transcript has been de-**
42 **posited with the trial court administrator, and file proof of that service with the trial court**
43 **administrator and with the State Court Administrator. Deposit of a copy of a transcript with**
44 **the trial court administrator under this paragraph constitutes service of the transcript on**
45 **the unrepresented parties to the appeal.**

1 (5) If two or more transcribers are preparing parts of the transcript, the certificate of
 2 preparation is considered filed under subsection (3) of this section when the final certificate
 3 of preparation is filed with the State Court Administrator.

4 (6)(a) Within 15 days after a certificate of preparation is filed under subsection (3) of this
 5 section, any party may file a motion with the trial court for correction of errors appearing
 6 in the transcript or to have additional parts of the proceedings included in the transcript.
 7 If a certificate of preparation is filed with the State Court Administrator during any period
 8 that the appeal is in abeyance by reason of the referral of the appeal to the appellate
 9 settlement program established by the Court of Appeals pursuant to ORS 2.560, a motion
 10 under this subsection must be filed within 15 days after the expiration of the abeyance.

11 (b) A copy of a motion to correct or add to the transcript made under this subsection
 12 must be served on the State Court Administrator. If the motion is denied, the trial court
 13 shall enter an order settling the transcript and transmit a copy of the order to the State
 14 Court Administrator.

15 (c) If a motion is granted under this subsection, the trial court shall direct the making
 16 of such corrections and the adding of such matter as may be appropriate and shall fix the
 17 time within which such corrections or additions must be made. Immediately after preparing
 18 the corrected or additional transcript, the transcriber shall serve a copy of the transcript
 19 on the parties in the manner required by subsection (4) of this section, and file proof of that
 20 service with the trial court administrator, the transcript coordinator and the State Court
 21 Administrator. Upon receiving proof of service from all transcribers of the proceedings, the
 22 State Court Administrator shall issue a notice to the parties indicating that the transcript
 23 has been settled.

24 (7) Unless a motion to correct or add to the transcript is made under subsection (6) of
 25 this section, a transcript is automatically settled 15 days after a certificate of preparation
 26 is filed under subsection (3) of this section. If a motion to correct or add to the transcript
 27 is made, the transcript is settled on the date that the State Court Administrator issues the
 28 notice to the parties under subsection (6) of this section.

29 (8) When a transcript is settled, the State Court Administrator shall notify each
 30 transcriber who filed a certificate of preparation. Upon receiving the notice, a transcriber
 31 shall file an electronic copy of the transcript with the State Court Administrator in the
 32 manner and format prescribed by rules of the appellate court.

33 **SECTION 7.** ORS 21.345 is amended to read:

34 21.345. (1)(a) A [*reporter appointed under ORS 8.340 (2)*] **transcriber** may not charge more than
 35 [*\$2.50*] **\$3** per page for [*the original transcript, or more than 25 cents per page for each additional copy,*
 36 *for preparing transcripts on appeal as provided in ORS 8.350*] **preparation of a transcript.**

37 (b) A transcriber may not charge a fee in addition to the fee established under this sub-
 38 section for:

39 (A) An electronic copy required to be served on a party;

40 (B) A paper copy required to be served on an unrepresented party under ORS 19.370 (4)(a)
 41 or (b); or

42 (C) A paper copy required to be filed with the trial court under ORS 19.370 (4)(d).

43 (2) Except as provided in subsection (3) of this section, a reporter employed by one of the parties
 44 may charge fees as agreed to between the reporter and all of the parties to the proceeding for pre-
 45 paring transcripts on appeal [*as provided in ORS 8.350*]. The reporter and the parties [*shall*] **must**

1 agree to the fees to be charged [*prior to*] **before** the commencement of the proceeding to be re-
2 corded. **A share of** any fees agreed upon shall be charged to parties joining the proceeding after
3 the commencement of the proceeding [*for preparing transcripts on appeal as provided in ORS*
4 *8.350*].

5 (3) A reporter employed by one of the parties may not charge a public body, as defined by ORS
6 174.109, fees for preparing transcripts on appeal [*as provided in ORS 8.350*] that exceed the fees
7 established by subsection (1) of this section.

8 (4) Each page of the original transcript on appeal prepared [*by a reporter*] under this section
9 must be prepared as specified by rules for transcripts on appeal adopted by the Supreme Court **and**
10 **the Court of Appeals.**

11 (5) Except as otherwise provided by law, the fees for preparing a transcript requested by a party
12 shall be paid forthwith by the party, and when paid shall be taxable as disbursements in the case.
13 The fees for preparing a transcript requested by the court, and not by a party, shall be paid by the
14 state from funds available for the purpose.

15 (6) When the court provides personnel to prepare transcripts from audio records of court pro-
16 ceedings, the [*transcript*] fees provided in subsection (1) of this section to be paid by a party shall
17 be paid to the clerk of the court.

18 (7) **For purposes of this section, “transcript” has the meaning given that term in ORS**
19 **19.005.**

20 **SECTION 8. The amendments to ORS 19.250, 19.365, 19.370 and 21.345 by sections 4 to 7**
21 **of this 2013 Act apply only to transcripts requested on or after the effective date of this 2013**
22 **Act.**

23
24 **CAPTIONS**

25
26 **SECTION 9. The unit captions used in this 2013 Act are provided only for the convenience**
27 **of the reader and do not become part of the statutory law of this state or express any leg-**
28 **islative intent in the enactment of this 2013 Act.**

29
30 **EMERGENCY CLAUSE**

31
32 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
34 **on its passage.**

35 _____