

**PROPOSED AMENDMENTS TO
SENATE BILL 90**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete line 3 and insert “creating new provisions;
3 amending ORS 8.340, 44.320 and 45.294; repealing ORS 8.415, 8.420, 8.430,
4 8.435, 8.440, 8.445, 8.450 and 8.455; and declaring an emergency.”.

5 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

6 **“SECTION 1. ORS 8.415, 8.420, 8.430, 8.435, 8.440, 8.445, 8.450 and 8.455**
7 **are repealed.**

8 **“SECTION 2. Subject to the approval of the Chief Justice of the**
9 **Supreme Court, the State Court Administrator may adopt standards,**
10 **policies and procedures governing the qualifications, appointment, use,**
11 **code of ethics and payment of court reporters, court recorders and**
12 **transcriptionists for proceedings in the circuit, tax and appellate**
13 **courts of this state.**

14 **“SECTION 3. ORS 8.340 is amended to read:**

15 “8.340. (1) It is the duty of each official reporter of the circuit court,
16 justice court or municipal court to attend the court for which the reporter
17 is appointed at such times as the judge or justice of the peace may direct.

18 “(2) A circuit court reporter shall be appointed under a personnel plan
19 established by the Chief Justice of the Supreme Court. Reporters for a justice
20 or municipal court are not subject to this subsection.

21 “(3) A reporter is an officer of the court in which the reporter serves and
22 of any court to which an appeal is made whenever the reporter has recorded

1 the proceedings that are the subject of the appeal.

2 “(4) Upon the trial or hearing of any cause, the judge or justice of the
3 peace upon the motion of the judge or justice of the peace may, and upon
4 the request of either party shall, order a report of the proceedings. The re-
5 porter shall, in the manner provided in subsection (5) of this section, make
6 a report of the oral testimony and other proceedings of the trial or hearing
7 to the extent required by the court or by the requesting party.

8 “(5) When a report is required, the reporter shall:

9 “(a) Take accurate notes by shorthand or by means of a mechanical or
10 electronic [*typing*] device; or

11 “(b) Make audio records pursuant to policies and procedures established
12 by the State Court Administrator.

13 “(6) The notes or audio records of the official reporter or a reporter pro-
14 viding services under subsection (7) of this section shall be filed in the office
15 of the clerk of the court subject to the provisions of ORS 7.120 and except
16 as provided in ORS 19.385.

17 “(7)(a) In any circuit court proceeding in which the court uses audio re-
18 cording or video recording, any party may, with reasonable notice to the
19 trial court, arrange for the reporting of the proceeding by [*stenographic*]
20 **other** means. [*A reporter providing stenographic reporting services under this*
21 *paragraph shall be certified in shorthand reporting under ORS 8.415 to 8.455*
22 *or by a nationally recognized certification program.*] **A reporter providing**
23 **reporting services under this paragraph must meet the standards and**
24 **qualifications established under section 2 of this 2013 Act.** The party
25 arranging for reporting of the proceeding [*by stenographic means*] must pro-
26 vide the court with the name of the reporter and an address and telephone
27 number where the reporter may be contacted.

28 “(b) If all parties to the proceedings agree, the [*stenographic*] reporting
29 of the proceedings by a reporter arranged for by a party may be used by the
30 parties during the proceedings.

1 “(c) If all parties to the proceedings agree, the [*stenographic*] reporting
2 of the proceedings by a reporter arranged for by a party is the official record
3 of the proceedings for the purpose of a transcript on appeal. For all other
4 purposes, the official record of the proceedings shall be the record produced
5 by the reporting technique used by the court, unless otherwise ordered by
6 the court.

7 “(d) Unless other parties agree to pay all or part of the cost of the re-
8 porter, the party arranging for the reporting of the proceeding [*by steno-*
9 *graphic means*] under this subsection must pay all costs of the reporter and
10 the cost of providing copies of the transcript to the court.

11 **“SECTION 4.** ORS 44.320 is amended to read:

12 “44.320. Every court, judge, clerk of a court, justice of the peace[, *certified*
13 *shorthand reporter as defined in ORS 8.415*] or notary public is authorized
14 to take testimony in any action or proceeding, as are other persons in par-
15 ticular cases authorized by statute or the Oregon Rules of Civil Procedure
16 and is authorized to administer oaths and affirmations generally, and every
17 such other person in the particular case authorized.

18 **“SECTION 5.** ORS 45.294 is amended to read:

19 “45.294. (1) The Court Interpreter [*and Shorthand Reporter*] Certification
20 Account is established as an account in the General Fund of the State
21 Treasury. All moneys received by the State Court Administrator from fees
22 imposed under ORS [*8.445 and*] 45.291 shall be paid into the State Treasury
23 and credited to the account. All moneys in the account are appropriated
24 continuously to the State Court Administrator to carry out the provisions
25 of ORS [*8.415 to 8.455 and*] 45.291.

26 “(2) The State Court Administrator may apply for and receive funds or
27 grants from federal, state and private sources to be credited to the Court
28 Interpreter [*and Shorthand Reporter*] Certification Account and used for the
29 purposes specified in ORS [*8.415 to 8.455 and*] 45.291.

30 **“SECTION 6.** (1) **Section 2 of this 2013 Act, the amendments to ORS**

1 8.340, 44.320 and 45.294 by sections 3 to 5 of this 2013 Act and the repeal
2 of ORS 8.415, 8.420, 8.430, 8.435, 8.440, 8.445, 8.450 and 8.455 by section 1
3 of this 2013 Act become operative on January 1, 2014.

4 “(2) The State Court Administrator may take any action before the
5 operative date specified in subsection (1) of this section to enable the
6 administrator to exercise, on and after the operative date specified in
7 subsection (1) of this section, all the duties, functions and powers
8 conferred on the administrator by section 2 of this 2013 Act.

9 “SECTION 7. This 2013 Act being necessary for the immediate
10 preservation of the public peace, health and safety, an emergency is
11 declared to exist, and this 2013 Act takes effect on its passage.”.

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