

SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2316

By COMMITTEE ON FINANCE AND REVENUE

June 12

1 On page 1 of the printed B-engrossed bill, line 2, delete “and 55.130” and insert “, 53.090 and
2 55.130; repealing sections 1, 2, 3, 4 and 5, chapter ___, Oregon Laws 2015 (Enrolled House Bill
3 3399)”.

4 On page 4, after line 17, insert:

5 **“SECTION 8. (1) In any proceeding conducted in open court in a justice court, any party**
6 **may arrange for audio recording or reporting of the proceeding by stenographic or other**
7 **means. The court may not prohibit recording or reporting of the proceeding under this sec-**
8 **tion.**

9 **“(2) A reporter providing stenographic reporting services under this section must be**
10 **certified in shorthand reporting under ORS 8.415 to 8.455 or by a nationally recognized cer-**
11 **tification program. A party arranging for reporting of the proceeding by stenographic means**
12 **must provide the court with the name of the reporter and an address and telephone number**
13 **where the reporter may be contacted.**

14 **“(3) If all parties to the proceeding and the court agree, the audio recording or steno-**
15 **graphic or other reporting of the proceeding arranged under this section may be used by the**
16 **parties during the proceeding.**

17 **“(4) If all parties to the proceeding and the court agree, the audio recording or steno-**
18 **graphic or other reporting of the proceeding arranged under this section is the official record**
19 **of the proceeding.**

20 **“(5) Unless other parties agree to pay all or part of the cost of the audio recording or**
21 **stenographic or other reporting of the proceeding, the party arranging for the recording or**
22 **reporting must pay all costs of the recording or reporting.**

23 **“SECTION 9.** ORS 53.090 is amended to read:

24 **“53.090.** Within 30 days next following the allowance of the appeal, the appellant must cause to
25 be filed with the clerk of the appellate court a transcript of the cause. The transcript must contain
26 a copy of all the material entries in the justice docket relating to the cause or the appeal **and any**
27 **transcript or audio record made under section 8 of this 2015 Act**, and must have annexed
28 thereto all the original papers relating to the cause or the appeal and filed with the justice. Upon
29 the filing of the transcript with the clerk of the appellate court, the appeal is perfected. Thenceforth
30 the action shall be deemed pending and for trial therein as if originally commenced in such court,
31 and the court shall have jurisdiction of the cause and shall proceed to hear, determine and try it
32 anew, disregarding any irregularity or imperfection in matters of form which may have occurred in
33 the proceedings in the justice court. If the transcript and papers are not filed with the clerk of the
34 appellate court within the time provided, the appellate court, or the judge thereof, may by order
35 extend the time for filing the same upon such terms as the court or judge may deem just. However,

1 such order shall be made within the time allowed to file the transcript.

2 **“SECTION 10. Section 11 of this 2015 Act is added to and made a part of ORS chapter 221.**

3 **“SECTION 11. (1) In any proceeding conducted in open court in a municipal court, any**
4 **party may arrange for audio recording or reporting of the proceeding by stenographic or**
5 **other means. The court may not prohibit recording or reporting of the proceeding under this**
6 **section.**

7 **“(2) A reporter providing stenographic reporting services under this section must be**
8 **certified in shorthand reporting under ORS 8.415 to 8.455 or by a nationally recognized cer-**
9 **tification program. A party arranging for reporting of the proceeding by stenographic means**
10 **must provide the court with the name of the reporter and an address and telephone number**
11 **where the reporter may be contacted.**

12 **“(3) If all parties to the proceeding and the court agree, the audio recording or steno-**
13 **graphic or other reporting of the proceeding arranged under this section may be used by the**
14 **parties during the proceeding.**

15 **“(4) If all parties to the proceeding and the court agree, the audio recording or steno-**
16 **graphic or other reporting of the proceeding arranged under this section is the official record**
17 **of the proceeding.**

18 **“(5) Unless other parties agree to pay all or part of the cost of the audio recording or**
19 **stenographic or other reporting of the proceeding, the party arranging for the recording or**
20 **reporting must pay all costs of the recording or reporting.**

21 **“SECTION 12. Sections 8 and 11 of this 2015 Act and the amendments to ORS 53.090 by**
22 **section 9 of this 2015 Act apply only to proceedings occurring in a justice court or municipal**
23 **court on or after January 1, 2016.**

24 **“SECTION 13. If House Bill 3399 becomes law, sections 1, 2 (amending ORS 53.090), 3, 4**
25 **and 5, chapter ___, Oregon Laws 2015 (Enrolled House Bill 3399), are repealed.”.**

26 In line 18, delete “8” and insert “14”.
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