

1 SB492
2 131599-1
3 By Senator Keahey
4 RFD: Judiciary
5 First Read: 24-MAY-11

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8 SYNOPSIS: Existing law provides for the Alabama Board
9 of Court Reporting.

10 This bill would do all of the following:
11 Eliminate board member compensation; eliminate the
12 requirement that the board make an annual report to
13 the offices of the Governor and Secretary of State;
14 add entities that may administer the written
15 knowledge examination; change the education
16 requirement for court reporters from high school to
17 a court reporting program; provide a deadline date
18 to make application for the grandfathering
19 provision; provide that the temporary license
20 authorized under current law would be effective 18
21 months from the date of issuance, not the
22 graduation date; and authorize a change of
23 information fee and reasonable processing fees.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Sections 34-8B-4, 34-8B-5, 34-8B-10,
3 34-8B-14, 34-8B-15, and 34-8B-17 of the Code of Alabama 1975,
4 relating to the Alabama Board of Court Reporting; to eliminate
5 board member compensation; to eliminate the requirement that
6 the board make an annual report to the offices of the Governor
7 and Secretary of State; to add entities that may administer
8 the written knowledge examination; to change the education
9 requirement for court reporters from high school to a court
10 reporting program; to provide a deadline date to make
11 application for the grandfathering provision; to provide that
12 the temporary license authorized under current law would be
13 effective 18 months from the date of issuance, not the
14 graduation date; and to authorize a change of information fee
15 and reasonable processing fees.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 34-8B-4, 34-8B-5, 34-8B-10,
18 34-8B-14, 34-8B-15, and 34-8B-17 of the Code of Alabama 1975,
19 are amended to read as follows:

20 "§34-8B-4.

21 "(a) There is created the Alabama Board of Court
22 Reporting. The board shall be operative within 60 days of June
23 1, 2006. ACRA shall provide administrative support to the
24 board until such time as the board employs sufficient
25 employees to implement and administer this chapter.

26 "(b) The board shall consist of seven members as
27 follows:

1 "(1) Four court reporters certified by ABCR, NCRA,
2 NVRA, or by the board, two of whom shall be employed in
3 official capacities and two of whom shall be employed in a
4 freelance setting.

5 "(2) Two members in good standing with the Alabama
6 State Bar Association.

7 "(3) One additional member.

8 "(c) Appointments to the board shall be made as
9 follows:

10 "(1) The Governor shall appoint one official court
11 reporter, one freelance court reporter, and one member of the
12 Alabama State Bar Association. ACRA, NCRA, NVRA, and the
13 Alabama State Bar Association shall respectively submit a list
14 of three names for each appointment to the Governor for
15 consideration.

16 "(2) The Lieutenant Governor shall appoint one
17 member of the Alabama State Bar Association from a list of
18 three names submitted by the Alabama State Bar Association.

19 "(3) The President Pro Tempore of the Senate shall
20 appoint one member who is an official court reporter from a
21 list of three names submitted by ACRA.

22 "(4) The Speaker of the House of Representatives
23 shall appoint one member who is a freelance court reporter
24 from a list of three names submitted by ACRA.

25 "(5) The Chief Justice of the Alabama Supreme Court
26 shall appoint one member from a list of three names submitted
27 by the Administrative Office of Courts.

1 "(d) All members of the board shall be citizens of
2 the United States and the State of Alabama. The lists of names
3 shall be submitted by the designated organizations on or
4 before June 1, 2006. The initial terms shall begin January 1,
5 2007, and all appointments shall be made prior to January 1 of
6 every year.

7 "(e) The initial members shall serve the following
8 terms as designated by the Governor:

9 "(1) Three members shall serve for two years.

10 "(2) Two members shall serve for three years.

11 "(3) Two members shall serve for four years.

12 "(f) Subsequent terms of office shall be for four
13 years. No member shall serve more than two consecutive terms.
14 In the event of a vacancy, the appointing authority for the
15 position shall fill the vacancy. Each member shall serve until
16 his or her successor is duly appointed and qualified.

17 "(g) The membership of the board shall be inclusive
18 and reflect the racial, gender, geographic, urban/rural, and
19 economic diversity of the state. ~~The board shall annually~~
20 ~~report to the Legislature by the second legislative day of~~
21 ~~each regular session to what extent the board has complied~~
22 ~~with the diversity provisions provided for in this subsection.~~

23 "(h) At its first meeting each calendar year, the
24 board shall elect a chair, vice chair, and secretary from its
25 membership. No member shall be elected to serve more than two
26 consecutive years in the same office.

1 "(i) After the initial appointments have been made,
2 the board shall meet by January 2007, for the purpose of
3 organizing and transacting business. Thereafter, the board
4 shall meet not less than twice annually and as frequently as
5 deemed necessary by the chair or a majority of the members.
6 The board shall meet at such time and place as designated by
7 the board. A quorum shall consist of four members.

8 "(j) Board members shall receive the same travel
9 expenses and per diem as state employees pursuant to Article
10 2, commencing with Section 36-7-20, Chapter 7, Title 36. The
11 ~~compensation and~~ expenses shall be paid out of the funds of
12 the board. Reimbursement shall not be made if funds are
13 insufficient.

14 "§34-8B-5.

15 "The board shall have all of the following duties
16 and responsibilities:

17 "(1) Act on matters concerning competency licensure
18 only and the process of granting, suspending, reinstating, and
19 revoking a license.

20 "(2) Establish a procedure for the investigation of
21 complaints against licensed court reporters and for the
22 conduct of hearings in which complaints are heard.

23 "(3) Set a fee schedule for granting licenses and
24 renewals of licenses subject to the Alabama Administrative
25 Procedure Act.

1 "(4) Maintain a current register of licensed court
2 reporters and a current register of temporarily licensed court
3 reporters. Registers shall be matters of public record.

4 "(5) Maintain a complete record of all proceedings
5 of the board.

6 "~~(6) Submit an annual report detailing the~~
7 ~~proceedings of the board to the Governor for the previous~~
8 ~~fiscal year and file a copy of the report with the Secretary~~
9 ~~of State.~~

10 "~~(7)~~ (6) Adopt continuing education requirements no
11 later than October 1, 2007. Requirements shall be implemented
12 no later than January 1, 2008, and shall include all courses
13 approved by the Alabama State Bar for continuing legal
14 education.

15 "~~(8)~~ (7) Determine the content of and administer
16 examinations to be given to applicants for licensure as
17 certified court reporters and issue numbered licenses to
18 applicants found qualified.

19 "~~(9)~~ (8) Maintain records of its proceedings and a
20 register of all persons licensed by the board which shall be a
21 public record and open to inspection.

22 "§34-8B-10.

23 "(a) To be licensed as a court reporter, an
24 applicant shall be a United States citizen or, if not a
25 citizen of the United States, a person who is legally present
26 in the United States with appropriate documentation from the
27 federal government, and shall pass the Written Knowledge

1 Examination administered by the board, ACRA, NCRA, or NVRA,
2 and shall pass an Alabama skills examination or provide
3 documentation of having passed the NCRA Registered
4 Professional Reporter Examination or NVRA CVR Examination. The
5 board shall examine or establish, or both, examination and
6 testing procedures to enable the board to ascertain the
7 competency of applicants for licensure. Each such skills
8 examination shall be given at least twice each calendar year.
9 Applications for licensure shall be signed and sworn by the
10 applicants and submitted on forms furnished by the board. An
11 applicant who furnishes the board with satisfactory proof of
12 graduation from ~~an accredited high school~~ a court reporting
13 program or its equivalent shall, upon payment of a reasonable
14 fee in an amount determined by the board, be examined by the
15 board. All applicants who are found qualified to engage in the
16 practice of court reporting pursuant to this chapter shall be
17 issued a license as a certified court reporter and an
18 identifying number. The license shall be valid until September
19 30th of the year of its issuance.

20 "(b) No certified court reporter may authorize the
21 use of his or her license number on any transcript not
22 produced through his or her personal effort or supervision, or
23 both. Violation of this subsection may be grounds for license
24 suspension or revocation.

25 "(c) The board shall ~~hold~~ approve at least two
26 reporter examinations each year and may hold such additional
27 examinations as are necessary. The secretary shall give public

1 notice of the time and place of each examination at least 120
2 days prior to the date set for the examination. Any person
3 desiring to take the examination shall file his or her
4 application with the board at least 30 days prior to the date
5 of the examination. The preparation, administration, and
6 grading of the examination shall be governed by the rules
7 prescribed by the board, but the board may engage ACRA to
8 conduct the examination under the supervision of the board.
9 Upon determining the results of the examination, the board
10 shall notify each applicant as to whether the applicant has
11 passed the examination. Notification shall be by written
12 notice mailed to the applicant by certified mail to the
13 applicant's address as indicated on the application.

14 "§34-8B-14.

15 "(a) Any person who is engaged in the practice of
16 court reporting on June 1, 2006, and who provides to the board
17 an affidavit setting forth his or her past education and work
18 experience as a court reporter and an affidavit of a judge for
19 whom he or she has worked as an official court reporter or
20 three licensed attorneys, unrelated by blood or marriage to
21 the person and who have utilized the services of the court
22 reporter, which attests to the court reporter's proficiency in
23 court reporting, upon payment of a fee in an amount determined
24 by the board, shall be licensed to practice as a court
25 reporter. The deadline for receiving applications for
26 grandfathering is December 31, 2011.

1 "(b) Any member in good standing of ACRA licensed as
2 a certified shorthand reporter on June 1, 2006, upon payment
3 of the licensure fee in an amount determined by the board,
4 shall be automatically granted a license pursuant to this
5 chapter and thereby may practice as a court reporter.

6 "(c) Members of ACRA who hold the certified
7 shorthand reporter certification and do not apply for
8 certification within one year of June 1, 2006, shall be
9 required to take the certified court reporter examination in
10 order to become a certified court reporter.

11 "§34-8B-15.

12 ~~"(a) Any person who has engaged in the practice of~~
13 ~~court reporting in the State of Alabama for less than one year~~
14 ~~on June 1, 2006, and who provides to the board satisfactory~~
15 ~~proof of graduation from an accredited high school or its~~
16 ~~equivalent and the affidavits of three licensed attorneys,~~
17 ~~unrelated to the person by blood or marriage, who have~~
18 ~~utilized his or her services, and who attest to the person's~~
19 ~~proficiency in court reporting, shall, upon application to the~~
20 ~~board on forms approved by the board and payment of a fee in~~
21 ~~an amount determined by the board, be issued a temporary~~
22 ~~license to practice as a court reporter. This temporary~~
23 ~~license shall expire on the 60th day following the date upon~~
24 ~~which the next board-approved examination for licensure is~~
25 ~~given. No more than two additional temporary licenses shall be~~
26 ~~issued to any applicant who fails to pass the scheduled~~
27 ~~examination for licensure.~~

1 ~~"(b) (a)~~ Commencing on ~~April 21, 2010~~ the effective
2 date of this act amending this subsection, any person who is a
3 graduate of a ~~school of~~ court reporting program may receive a
4 temporary license to practice as a court reporter from the
5 board. Application for the temporary graduate license shall be
6 made to the board, on forms approved by the board, and the
7 payment of a fee in an amount determined by the board. ~~The~~
8 ~~license shall be valid on the date of graduation and shall~~
9 ~~expire 18 months after issuance.~~ The temporary license shall
10 be valid for 18 months from the date of issuance.

11 ~~"(c) (b)~~ In the event that a temporary license
12 expires without the temporary licensee having passed the
13 examination for full licensure, court reporting services by
14 the temporary licensee shall cease and desist immediately upon
15 the expiration of the temporary license, and the board may not
16 be held liable for lost income to the temporary licensee or to
17 the court reporting firm.

18 "§34-8B-17.

19 "All moneys collected pursuant to this chapter shall
20 be deposited into the Board of Court Reporting Fund. All
21 expenses incurred by the board in implementing and
22 administering this chapter shall be paid out of the fund
23 provided that the expenses of the board shall not be in excess
24 of the moneys in the fund. The board may charge and collect
25 the following fees which shall be deposited into the fund:

26 "(1) An application fee for any temporary or regular
27 license.

1 "(2) An examination fee.

2 "(3) A renewal fee for any temporary or regular
3 license.

4 "(4) A reinstatement fee for any application for
5 reinstatement of a temporary or regular license which has been
6 revoked or suspended.

7 "(5) A fee for the renewal of a license after the
8 due date which shall be increased 20 percent for each month or
9 fraction thereof that payment is delayed, unless the delay is
10 caused by conditions resulting from additional requirements
11 imposed by the board. Notwithstanding the foregoing,
12 delinquency of more than six months shall result in revocation
13 of licensure.

14 "(6) A change of information fee.

15 "(7) Necessary administrative fees may be charged by
16 the board, including, but not limited to, reasonable costs for
17 copying, labels, and lists."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.