

1 HB317
2 127358-3
3 By Representatives Buttram, Sanderford and McClendon
4 RFD: Boards, Agencies and Commissions
5 First Read: 22-MAR-11

1 "(a) There is created the Alabama Board of Court
2 Reporting. The board shall be operative within 60 days of June
3 1, 2006. ACRA shall provide administrative support to the
4 board until such time as the board employs sufficient
5 employees to implement and administer this chapter.

6 "(b) The board shall consist of seven members as
7 follows:

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

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

14 "(3) One additional member.

15 "(c) Appointments to the board shall be made as
16 follows:

17 "(1) The Governor shall appoint one official court
18 reporter, one freelance court reporter, and one member of the
19 Alabama State Bar Association. ACRA, NCRA, NVRA, and the
20 Alabama State Bar Association shall respectively submit a list
21 of three names for each appointment to the Governor for
22 consideration.

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

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

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

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

10 "(d) All members of the board shall be citizens of
11 the United States and the State of Alabama. The lists of names
12 shall be submitted by the designated organizations on or
13 before June 1, 2006. The initial terms shall begin January 1,
14 2007, and all appointments shall be made prior to January 1 of
15 every year.

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

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

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

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

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

26 "(g) The membership of the board shall be inclusive
27 and reflect the racial, gender, geographic, urban/rural, and

1 economic diversity of the state. ~~The board shall annually~~
2 ~~report to the Legislature by the second legislative day of~~
3 ~~each regular session to what extent the board has complied~~
4 ~~with the diversity provisions provided for in this subsection.~~

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

9 "(i) After the initial appointments have been made,
10 the board shall meet by January 2007, for the purpose of
11 organizing and transacting business. Thereafter, the board
12 shall meet not less than twice annually and as frequently as
13 deemed necessary by the chair or a majority of the members.
14 The board shall meet at such time and place as designated by
15 the board. A quorum shall consist of four members.

16 "(j) Board members shall receive the same travel
17 expenses and per diem as state employees pursuant to Article
18 2, commencing with Section 36-7-20, Chapter 7, Title 36. The
19 ~~compensation and~~ expenses shall be paid out of the funds of
20 the board. Reimbursement shall not be made if funds are
21 insufficient.

22 "§34-8B-5.

23 "The board shall have all of the following duties
24 and responsibilities:

25 "(1) Act on matters concerning competency licensure
26 only and the process of granting, suspending, reinstating, and
27 revoking a license.

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

4 "(3) Set a fee schedule for granting licenses and
5 renewals of licenses subject to the Alabama Administrative
6 Procedure Act.

7 "(4) Maintain a current register of licensed court
8 reporters and a current register of temporarily licensed court
9 reporters. Registers shall be matters of public record.

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

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

16 "~~(7)~~(6) Adopt continuing education requirements no
17 later than October 1, 2007. Requirements shall be implemented
18 no later than January 1, 2008, and shall include all courses
19 approved by the Alabama State Bar for continuing legal
20 education.

21 "~~(8)~~(7) Determine the content of and administer
22 examinations to be given to applicants for licensure as
23 certified court reporters and issue numbered licenses to
24 applicants found qualified.

25 "~~(9)~~(8) Maintain records of its proceedings and a
26 register of all persons licensed by the board which shall be a
27 public record and open to inspection.

1 "§34-8B-10.

2 "(a) To be licensed as a court reporter, an
3 applicant shall be a United States citizen or, if not a
4 citizen of the United States, a person who is legally present
5 in the United States with appropriate documentation from the
6 federal government, and shall pass the Written Knowledge
7 Examination administered by the board, ACRA, NCRA, or NVRA,
8 and shall pass an Alabama skills examination or provide
9 documentation of having passed the NCRA Registered
10 Professional Reporter Examination or NVRA CVR Examination. The
11 board shall examine or establish, or both, examination and
12 testing procedures to enable the board to ascertain the
13 competency of applicants for licensure. Each such skills
14 examination shall be given at least twice each calendar year.
15 Applications for licensure shall be signed and sworn by the
16 applicants and submitted on forms furnished by the board. An
17 applicant who furnishes the board with satisfactory proof of
18 graduation from ~~an accredited a high school~~ a high school court reporting
19 program or its equivalent shall, upon payment of a reasonable
20 fee in an amount determined by the board, be examined by the
21 board. All applicants who are found qualified to engage in the
22 practice of court reporting pursuant to this chapter shall be
23 issued a license as a certified court reporter and an
24 identifying number. The license shall be valid until September
25 30th of the year of its issuance.

26 "(b) No certified court reporter may authorize the
27 use of his or her license number on any transcript not

1 produced through his or her personal effort or supervision, or
2 both. Violation of this subsection may be grounds for license
3 suspension or revocation.

4 "(c) The board shall ~~hold~~ approve at least two
5 reporter examinations each year and may hold such additional
6 examinations as are necessary. The secretary shall give public
7 notice of the time and place of each examination at least 120
8 days prior to the date set for the examination. Any person
9 desiring to take the examination shall file his or her
10 application with the board at least 30 days prior to the date
11 of the examination. The preparation, administration, and
12 grading of the examination shall be governed by the rules
13 prescribed by the board, but the board may engage ACRA to
14 conduct the examination under the supervision of the board.
15 Upon determining the results of the examination, the board
16 shall notify each applicant as to whether the applicant has
17 passed the examination. Notification shall be by written
18 notice mailed to the applicant by certified mail to the
19 applicant's address as indicated on the application.

20 "§34-8B-14.

21 "(a) Any person who is engaged in the practice of
22 court reporting on June 1, 2006, and who provides to the board
23 an affidavit setting forth his or her past education and work
24 experience as a court reporter and an affidavit of a judge for
25 whom he or she has worked as an official court reporter or
26 three licensed attorneys, unrelated by blood or marriage to
27 the person and who have utilized the services of the court

1 reporter, which attests to the court reporter's proficiency in
2 court reporting, upon payment of a fee in an amount determined
3 by the board, shall be licensed to practice as a court
4 reporter. The deadline for receiving applications for
5 grandfathering is December 31, 2011.

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

11 "(c) Members of ACRA who hold the certified
12 shorthand reporter certification and do not apply for
13 certification within one year of June 1, 2006, shall be
14 required to take the certified court reporter examination in
15 order to become a certified court reporter.

16 "§34-8B-15.

17 ~~"(a) Any person who has engaged in the practice of~~
18 ~~court reporting in the State of Alabama for less than one year~~
19 ~~on June 1, 2006, and who provides to the board satisfactory~~
20 ~~proof of graduation from an accredited high school or its~~
21 ~~equivalent and the affidavits of three licensed attorneys,~~
22 ~~unrelated to the person by blood or marriage, who have~~
23 ~~utilized his or her services, and who attest to the person's~~
24 ~~proficiency in court reporting, shall, upon application to the~~
25 ~~board on forms approved by the board and payment of a fee in~~
26 ~~an amount determined by the board, be issued a temporary~~
27 ~~license to practice as a court reporter. This temporary~~

1 ~~license shall expire on the 60th day following the date upon~~
2 ~~which the next board-approved examination for licensure is~~
3 ~~given. No more than two additional temporary licenses shall be~~
4 ~~issued to any applicant who fails to pass the scheduled~~
5 ~~examination for licensure.~~

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

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

24 "§34-8B-17.

25 "All moneys collected pursuant to this chapter shall
26 be deposited into the Board of Court Reporting Fund. All
27 expenses incurred by the board in implementing and

1 administering this chapter shall be paid out of the fund
2 provided that the expenses of the board shall not be in excess
3 of the moneys in the fund. The board may charge and collect
4 the following fees which shall be deposited into the fund:

5 "(1) An application fee for any temporary or regular
6 license.

7 "(2) An examination fee.

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

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

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

20 "(6) A change of information fee.

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

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

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on Boards, Agencies and Commissions..... 22-MAR-11

Read for the second time and placed on the calendar 2 amendments 06-APR-11

Read for the third time and passed as amended..... 05-MAY-11

Yeas 83, Nays 0, Abstains 1

Greg Pappas
Clerk