

1 HB317  
2 127358-1  
3 By Representatives Buttram, Sanderford and McClendon  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 22-MAR-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 an accredited court reporting program; provide a  
18 deadline date to make application for the  
19 grandfathering provision; provide that the  
20 temporary license authorized under current law  
21 would be effective 18 months from the date of  
22 issuance, not the graduation date; and authorize a  
23 change of information fee and reasonable processing  
24 fees.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§34-8B-4.

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

1           "(b) The board shall consist of seven members as  
2 follows:

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

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

9           "(3) One additional member.

10          "(c) Appointments to the board shall be made as  
11 follows:

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

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

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

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

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

4           "(d) All members of the board shall be citizens of  
5 the United States and the State of Alabama. The lists of names  
6 shall be submitted by the designated organizations on or  
7 before June 1, 2006. The initial terms shall begin January 1,  
8 2007, and all appointments shall be made prior to January 1 of  
9 every year.

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

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

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

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

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

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

26           "(h) At its first meeting each calendar year, the  
27 board shall elect a chair, vice chair, and secretary from its

1 membership. No member shall be elected to serve more than two  
2 consecutive years in the same office.

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

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

16 "§34-8B-5.

17 "The board shall have all of the following duties  
18 and responsibilities:

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

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

25 "(3) Set a fee schedule for granting licenses and  
26 renewals of licenses subject to the Alabama Administrative  
27 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~~ 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 at least two reporter  
26 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 an accredited court reporting program  
4 may receive a temporary license to practice as a court  
5 reporter from the board. Application for the temporary  
6 graduate license shall be made to the board, on forms approved  
7 by the board, and the payment of a fee in an amount determined  
8 by the board. ~~The license shall be valid on the date of~~  
9 ~~graduation and shall expire 18 months after issuance.~~ The  
10 temporary license shall be valid for 18 months from the date  
11 of issuance.

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

19           "§34-8B-17.

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

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

3           "(2) An examination fee.

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

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

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

16           "(6) A change of information fee.

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

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