

1 SB135
2 131599-3
3 By Senator Keahey
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 02/01/2012

1 SB135

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 34-8B-4, 34-8B-5, 34-8B-10,
2 34-8B-14, 34-8B-15, and 34-8B-17 of the Code of Alabama 1975,
3 are amended to read as follows:

4 "§34-8B-4.

5 "(a) There is created the Alabama Board of Court
6 Reporting. The board shall be operative within 60 days of June
7 1, 2006. ACRA shall provide administrative support to the
8 board until such time as the board employs sufficient
9 employees to implement and administer this chapter.

10 "(b) The board shall consist of seven members as
11 follows:

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

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

18 "(3) One additional member.

19 "(c) Appointments to the board shall be made as
20 follows:

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

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

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

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

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

13 "(d) All members of the board shall be citizens of
14 the United States and the State of Alabama. The lists of names
15 shall be submitted by the designated organizations on or
16 before June 1, 2006. The initial terms shall begin January 1,
17 2007, and all appointments shall be made prior to January 1 of
18 every year.

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

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

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

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

24 "(f) Subsequent terms of office shall be for four
25 years. No member shall serve more than two consecutive terms.
26 In the event of a vacancy, the appointing authority for the

1 position shall fill the vacancy. Each member shall serve until
2 his or her successor is duly appointed and qualified.

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

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

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

20 "(j) Board members shall receive the same travel
21 expenses and per diem as state employees pursuant to Article
22 2, commencing with Section 36-7-20, Chapter 7, Title 36. ~~The
23 compensation and~~ expenses shall be paid out of the funds of
24 the board. Reimbursement shall not be made if funds are
25 insufficient.

26 "§34-8B-5.

1 "The board shall have all of the following duties
2 and responsibilities:

3 "(1) Act on matters concerning competency licensure
4 only and the process of granting, suspending, reinstating, and
5 revoking a license.

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

9 "(3) Set a fee schedule for granting licenses and
10 renewals of licenses subject to the Alabama Administrative
11 Procedure Act.

12 "(4) Maintain a current register of licensed court
13 reporters and a current register of temporarily licensed court
14 reporters. Registers shall be matters of public record.

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

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

21 "~~(7)~~ (6) Adopt continuing education requirements no
22 later than October 1, 2007. Requirements shall be implemented
23 no later than January 1, 2008, and shall include all courses
24 approved by the Alabama State Bar for continuing legal
25 education.

1 "~~(8)~~(7) Determine the content of and administer
2 examinations to be given to applicants for licensure as
3 certified court reporters and issue numbered licenses to
4 applicants found qualified.

5 "~~(9)~~(8) Maintain records of its proceedings and a
6 register of all persons licensed by the board which shall be a
7 public record and open to inspection.

8 "§34-8B-10.

9 "(a) To be licensed as a court reporter, an
10 applicant shall be a United States citizen or, if not a
11 citizen of the United States, a person who is legally present
12 in the United States with appropriate documentation from the
13 federal government, and shall pass the Written Knowledge
14 Examination administered by the board, ACRA, NCRA, or NVRA,
15 and shall pass an Alabama skills examination or provide
16 documentation of having passed the NCRA Registered
17 Professional Reporter Examination or NVRA CVR Examination. The
18 board shall examine or establish, or both, examination and
19 testing procedures to enable the board to ascertain the
20 competency of applicants for licensure. Each such skills
21 examination shall be given at least twice each calendar year.
22 Applications for licensure shall be signed and sworn by the
23 applicants and submitted on forms furnished by the board. An
24 applicant who furnishes the board with satisfactory proof of
25 graduation from ~~an accredited high school~~ a court reporting
26 program or its equivalent shall, upon payment of a reasonable

1 fee in an amount determined by the board, be examined by the
2 board. All applicants who are found qualified to engage in the
3 practice of court reporting pursuant to this chapter shall be
4 issued a license as a certified court reporter and an
5 identifying number. The license shall be valid until September
6 30th of the year of its issuance.

7 "(b) No certified court reporter may authorize the
8 use of his or her license number on any transcript not
9 produced through his or her personal effort or supervision, or
10 both. Violation of this subsection may be grounds for license
11 suspension or revocation.

12 "(c) The board shall ~~hold~~ approve at least two
13 reporter examinations each year and may hold such additional
14 examinations as are necessary. The secretary shall give public
15 notice of the time and place of each examination at least 120
16 days prior to the date set for the examination. Any person
17 desiring to take the examination shall file his or her
18 application with the board at least 30 days prior to the date
19 of the examination. The preparation, administration, and
20 grading of the examination shall be governed by the rules
21 prescribed by the board, but the board may engage ACRA to
22 conduct the examination under the supervision of the board.
23 Upon determining the results of the examination, the board
24 shall notify each applicant as to whether the applicant has
25 passed the examination. Notification shall be by written

1 notice mailed to the applicant by certified mail to the
2 applicant's address as indicated on the application.

3 "§34-8B-14.

4 "(a) Any person who is engaged in the practice of
5 court reporting on June 1, 2006, and who provides to the board
6 an affidavit setting forth his or her past education and work
7 experience as a court reporter and an affidavit of a judge for
8 whom he or she has worked as an official court reporter or
9 three licensed attorneys, unrelated by blood or marriage to
10 the person and who have utilized the services of the court
11 reporter, which attests to the court reporter's proficiency in
12 court reporting, upon payment of a fee in an amount determined
13 by the board, shall be licensed to practice as a court
14 reporter. The deadline for receiving applications for
15 grandfathering is December 31, 2012.

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

21 "(c) Members of ACRA who hold the certified
22 shorthand reporter certification and do not apply for
23 certification within one year of June 1, 2006, shall be
24 required to take the certified court reporter examination in
25 order to become a certified court reporter.

26 "§34-8B-15.

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

17 ~~"(b)~~ (a) Commencing on ~~April 21, 2010~~ the effective
18 date of this act amending this subsection, any person who is a
19 graduate of a ~~school of~~ court reporting program may receive a
20 temporary license to practice as a court reporter from the
21 board. Application for the temporary graduate license shall be
22 made to the board, on forms approved by the board, and the
23 payment of a fee in an amount determined by the board. ~~The~~
24 ~~license shall be valid on the date of graduation and shall~~
25 ~~expire 18 months after issuance.~~ The temporary license shall
26 be valid for 18 months from the date of issuance.

1 "~~(c)~~(b) In the event that a temporary license
2 expires without the temporary licensee having passed the
3 examination for full licensure, court reporting services by
4 the temporary licensee shall cease and desist immediately upon
5 the expiration of the temporary license, and the board may not
6 be held liable for lost income to the temporary licensee or to
7 the court reporting firm.

8 "§34-8B-17.

9 "All moneys collected pursuant to this chapter shall
10 be deposited into the Board of Court Reporting Fund. All
11 expenses incurred by the board in implementing and
12 administering this chapter shall be paid out of the fund
13 provided that the expenses of the board shall not be in excess
14 of the moneys in the fund. The board may charge and collect
15 the following fees which shall be deposited into the fund:

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

18 "(2) An examination fee.

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

21 "(4) A reinstatement fee for any application for
22 reinstatement of a temporary or regular license which has been
23 placed on inactive status, revoked or suspended.

24 "(5) A fee for the renewal of a license after the
25 due date which shall be increased 20 percent for each month or
26 fraction thereof that payment is delayed, unless the delay is

1 caused by conditions resulting from additional requirements
2 imposed by the board. Notwithstanding the foregoing,
3 delinquency of more than ~~six months~~ 60 days shall result in
4 revocation of licensure.

5 "(6) A change of information fee.

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

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 07-FEB-12

Read for the second time and placed on the calen-
dar 1 amendment..... 08-FEB-12

Read for the third time and passed as amended 09-FEB-12

Yeas 24
Nays 1

Patrick Harris
Secretary