

1 SB147
2 117941-4
3 By Senators Dixon, Barron, Little (T), and Figures
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

1 SB147

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Alabama Sunset Law; to continue the
12 existence and functioning of the Alabama Board of Court
13 Reporting until October 1, 2012, with certain modifications;
14 to amend Sections 34-8B-4, 34-8B-5, 34-8B-8, and 34-8B-15,
15 Code of Alabama 1975, so as to delete reference to the Alabama
16 Judicial Conference; to provide for the appointment of a board
17 member by the Chief Justice from a list of nominees provided
18 by the Administrative Office of Courts; to allow court
19 reporters to use approved continuing legal education courses
20 for continuing education; to limit the admissibility of
21 depositions; and to provide for a temporary graduate license
22 for graduates of court reporting schools.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Pursuant to the Alabama Sunset Law, the
25 Sunset Committee recommends the continuance of the Alabama
26 Board of Court Reporting until October 1, 2012, with the

1 additional recommendations for statutory change as set out in
2 Section 3.

3 Section 2. The existence and functioning of the
4 Alabama Board of Court Reporting, created and functioning
5 pursuant to Sections 34-8B-1 to 34-8B-18, inclusive, Code of
6 Alabama 1975, is continued until October 1, 2012, and those
7 code sections are expressly preserved.

8 Section 3. Sections 34-8B-4, 34-8B-5, 34-8B-8, and
9 34-8B-15 of the Code of Alabama 1975, are amended to read as
10 follows:

11 "§34-8B-4.

12 "(a) There is created the Alabama Board of Court
13 Reporting. The board shall be operative within 60 days of June
14 1, 2006. ACRA shall provide administrative support to the
15 board until such time as the board employs sufficient
16 employees to implement and administer this chapter.

17 "(b) The board shall consist of seven members as
18 follows:

19 "(1) Four court reporters certified ~~at a~~
20 ~~professional level~~ by ABCR, NCRA, or NVRA, or by the board,
21 two of whom shall be employed in official capacities and two
22 of whom shall be employed in a freelance setting.

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

25 "(3) One additional member ~~in good standing with the~~
26 ~~Alabama Judicial Conference.~~

1 "(c) Appointments to the board shall be made as
2 follows:

3 "(1) The Governor shall appoint one official court
4 reporter, one freelance court reporter, and one member of the
5 Alabama State Bar Association. ACRA, NCRA, NVRA, and the
6 Alabama State Bar Association shall respectively submit a list
7 of three names for each appointment to the Governor for
8 consideration.

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

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

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

18 "(5) The Chief Justice of the Alabama Supreme Court
19 shall appoint one member ~~who is a member of the Alabama~~
20 ~~Judicial Conference~~ from a list of three names submitted by
21 the ~~Alabama Judicial Conference~~ Administrative Office of
22 Courts.

23 "(d) All members of the board shall be citizens of
24 the United States and the State of Alabama. The lists of names
25 shall be submitted by the designated organizations on or
26 before June 1, 2006. The initial terms shall begin January 1,

1 2007, and all appointments shall be made prior to January 1 of
2 every year.

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

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

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

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

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

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

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

23 "(i) After the initial appointments have been made,
24 the board shall meet by January 2007, for the purpose of
25 organizing and transacting business. Thereafter, the board
26 shall meet not less than twice annually and as frequently as
27 deemed necessary by the chair or a majority of the members.

1 The board shall meet at such time and place as designated by
2 the board. A quorum shall consist of four members.

3 "(j) Board members shall receive the same travel
4 expenses and per diem as state employees pursuant to Article
5 2, commencing with Section 36-7-20, Chapter 7, Title 36. The
6 compensation and expenses shall be paid out of the funds of
7 the board. Reimbursement shall not be made if funds are
8 insufficient.

9 "§34-8B-5.

10 "(a) The board shall have all of the following
11 duties and responsibilities:

12 "(1) Act on matters concerning competency licensure
13 only and the process of granting, suspending, reinstating, and
14 revoking a license.

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

18 "(3) Set a fee schedule for granting licenses and
19 renewals of licenses subject to the Alabama Administrative
20 Procedure Act.

21 "(4) Maintain a current register of licensed court
22 reporters and a current register of temporarily licensed court
23 reporters. Registers shall be matters of public record.

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

26 "(6) Submit an annual report detailing the
27 proceedings of the board to the Governor for the previous

1 fiscal year and file a copy of the report with the Secretary
2 of State.

3 "(7) Adopt continuing education requirements no
4 later than October 1, 2007. Requirements shall be implemented
5 no later than January 1, 2008, and shall include all courses
6 approved by the Alabama State Bar for continuing legal
7 education.

8 "(8) Determine the content of and administer
9 examinations to be given to applicants for licensure as
10 certified court reporters and issue numbered licenses to
11 applicants found qualified.

12 "(9) Maintain records of its proceedings and a
13 register of all persons licensed by the board which shall be a
14 public record and open to inspection.

15 "§34-8B-8.

16 "(a) After January 1, 2007, any person who
17 undertakes or attempts to undertake the practice of court
18 reporting for remuneration without first having procured a
19 license, or who knowingly presents or files false information
20 with the board for the purpose of obtaining a license or who
21 violates this chapter shall be guilty of a Class C
22 misdemeanor. A person who is not licensed may not bring or
23 maintain an action to recover fees for court reporting
24 services that he or she performed in violation of this
25 chapter. Whenever it appears to the board that any court
26 reporter has violated this chapter, the board may, in its own

1 name, petition the circuit court of the county in which the
2 violation occurred to enjoin the violation.

3 "(b) No deposition taken by a court reporter who is
4 a financially interested party or taken under a preferred
5 vendor arrangement with a court reporting entity, unless
6 prepared by or for a governmental agency, may be admitted in
7 an Alabama court.

8 "§34-8B-15.

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

25 "(b) Commencing on the effective date of the act
26 adding this subsection, any person who is a graduate of a
27 school of court reporting may receive a temporary license to

1 practice as a court reporter from the board. Application for
2 the temporary graduate license shall be made to the board, on
3 forms approved by the board, and the payment of a fee in an
4 amount determined by the board during the last semester before
5 graduation. The license shall be valid on the date of
6 graduation and shall expire 18 months after issuance."

7 Section 4. The Legislature concurs in the
8 recommendations of the Sunset Committee as provided in
9 Sections 1, 2, and 3.

10 Section 5. This act shall become effective
11 immediately upon its passage and approval by the Governor, or
12 its otherwise becoming law.

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Governmental Affairs 12-JAN-10
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7 Read for the second time and placed on the calen-
8 dar 1 amendment 14-JAN-10
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10 Read for the third time and passed as amended ... 11-FEB-10

11 Yeas 31
12 Nays 0

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15 McDowell Lee
16 Secretary
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