

1 SB564  
2 120204-4  
3 By Senator Dixon  
4 RFD: Economic Expansion and Trade  
5 First Read: 23-MAR-10

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3  
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, 34-8B-9, and  
15 34-8B-15, Code of Alabama 1975, so as to delete reference to  
16 the Alabama Judicial Conference; to provide for the  
17 appointment of a board member by the Chief Justice from a list  
18 of nominees provided by the Administrative Office of Courts;  
19 to allow court reporters to use approved continuing legal  
20 education courses for continuing education; to limit the  
21 admissibility of depositions; to limit the liability of the  
22 board; and to provide for a temporary graduate license for  
23 graduates of court reporting schools.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Pursuant to the Alabama Sunset Law, the  
26 Sunset Committee recommends the continuance of the Alabama  
27 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, is  
7 continued, and those code sections are expressly preserved.

8 Section 3. Sections 34-8B-4, 34-8B-5, 34-8B-8,  
9 34-8B-9, and 34-8B-15 of the Code of Alabama 1975, are amended  
10 to read as 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, two  
21 of whom shall be employed in official capacities and two of  
22 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 "The board shall have all of the following duties  
11 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 "After January 1, 2007, any person who undertakes or  
17 attempts to undertake the practice of court reporting for  
18 remuneration without first having procured a license, or who  
19 knowingly presents or files false information with the board  
20 for the purpose of obtaining a license or who violates this  
21 chapter shall be guilty of a Class C misdemeanor. A person who  
22 is not licensed may not bring or maintain an action to recover  
23 fees for court reporting services that he or she performed in  
24 violation of this chapter. Whenever it appears to the board  
25 that any court reporter has violated this chapter, the board  
26 may, in its own name, petition the circuit court of the county  
27 in which the violation occurred to enjoin the violation.

1               "§34-8B-9.

2               "(a) The board may sue and be sued in its own name  
3 to recover actual or compensatory damages, including interest  
4 and court costs, sustained as the result of ~~the conduct of~~  
5 disciplinary action taken against any licensee or any other  
6 person who violates this chapter or rules promulgated  
7 hereunder.

8               "(b) All members of the board shall be immune from  
9 civil liability while acting within the scope of their duties  
10 as board members.

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

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

17           Section 4. The Legislature concurs in the  
18           recommendations of the Sunset Committee as provided in  
19           Sections 1, 2, and 3.

20           Section 5. This act shall become effective  
21           immediately upon its passage and approval by the Governor, or  
22           its otherwise becoming law.

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2  
3 Senate  
  
4 Read for the first time and referred to the Senate  
5 committee on Economic Expansion and Trade ..... 23-MAR-10  
6  
7 Reported from Economic Expansion and Trade as Fa-  
8 vorable with 1 amendment ..... 30-MAR-10  
9  
10 Read for the third time and passed as amended ... 06-APR-10

11 Yeas 20  
12 Nays 5

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14  
15 McDowell Lee  
16 Secretary  
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