

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting

Rule No.: **Chapter 257-X-1**

Rule Title: **Organization and Administration**

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety?

Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare?

Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule?

No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public?

Yes

Does the proposed action relate to or affect in any
manner any litigation which the agency is a party to
concerning the subject matter of the proposed rule?

No

Does the proposed rule have an economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a
fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of
Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements
of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____


Paula McCaleb, Executive Director

Date: June 20, 2018

(DATE FILED)
(STAMP)

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11/96

Alabama Board of Court Reporting

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Court Reporting

RULE NO. & TITLE:

CHAPTER 257-X-1 Organization & Administration

INTENDED ACTION:

To amend Rules & Regulations

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Court Reporting proposes to amend their Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments, views, or arguments will be received by the Alabama Board of Court Reporting thru 4:30 p.m. on August 3, 2018. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241565, Montgomery, AL 36124-1565.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 3, 2018

CONTACT PERSON AT AGENCY:

Paula McCaleb, *Executive Director*
334.215.7232



Paula McCaleb, *Executive Director*

Chapter 257-X-1 - Organization and Administration

257-X-1-.01 Meetings of the Board

- (1) The Board shall comply with the Alabama Open Meetings Act.
- (2) A minimum of two (2) regular meetings shall be held each year. The annual meeting shall be the first meeting of the calendar year.
- (3) ~~A majority of the~~Four members of the Board shall constitute a quorum for the transaction of business.
- (4) At its first meeting each calendar year, the Board shall elect a Chair, a Vice Chair, and Secretary from its membership. No member shall be elected to serve more than two (2) consecutive years in the same office.
- (5) The Chair shall, in accordance with these rules, rule upon all questions of procedure at meetings of the Board and, ~~in the event that evidence is taken, on the admissibility of that evidence.~~ The decision of the Chair shall be final.
- (6) ~~All members of the Board, including the Chair, are entitled to vote and to make or second motions.~~ All proceedings of the Board shall be governed by Roberts Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules. A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.
- (7) Special meetings may be called by the Chair or by a quorum of the Board.
- (8) Notice of a meeting shall be given to all Board members at least seven (7) days in advance of the meeting, unless all Board members agree to waive the seven (7)-day notice.
- (9) Requests to present information to the Board during a regularly scheduled Board meeting shall be in writing to the Executive Director at least fourteen (14) days prior to the meeting. Exceptions may be made in extraordinary circumstances at the direction of the Chair. All requests are subject to review and approval by the Chair. The usual time limitation for presentations will be five (5) minutes with exceptions made by permission of the Chair. Written requests should include:
 - (a) Contact information of the designated spokesperson; and
 - (b) Summary of information to be presented.
- (10) The ~~Executive Director~~Secretary or designee shall keep a record of all regular meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting of the Board. The minutes or a true copy thereof, approved by the Board, shall be open to public inspection. ~~The minutes shall reflect:~~
 - (b) ~~The time and place of each regular meeting of the Board;~~
 - (c) ~~Names of the Board members present;~~
 - (d) ~~Names of guests present;~~
 - (e) ~~Reflect where public notices of the meeting were posted;~~

- ~~(f) All official acts of the Board;~~
 - ~~(g) The vote of the Board except when the votes are unanimous;~~
 - ~~(h) When requested by a dissenting Board member, specific reasons shall be recorded; and~~
 - ~~(i) A roll call vote may be taken upon the request of a Board member;~~
- (11) All regular meetings of the Board shall be open and public except for executive sessions as provided by the Alabama Open Meetings Act.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1-.02 Duties of the Officers of the Board

- (1) The Chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the agendarules of order of Board meetings.
- (2) The Vice Chair shall preside in the absence of the Chair and shall assume the duties of the Chair when necessary.
- (3) The Secretary shall preside in the absence of the Chair and Vice Chair and shall assume the duties of the Chair in such instances pending the election of a Chairman Pro Tem. ~~be responsible for the approval of invoices submitted to the Board for payment.~~

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1-.03 Board Member Compensation

- (1) Each member of the Board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees. Board members are also entitled to receive the same per diem provided to state employees, pursuant to Section 36-7-20, et seq., Code of Alabama, (1975).
- (2) ~~The reimbursement for travel expenses and per diem shall be paid from funds derived from the Alabama Board of Court Reporting Fund. If funds are not available, reimbursementpayment shall not be made.~~

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007, effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1-.04 Employment of Personnel

The Board may employ an executive director, investigators, ~~inspectors~~, attorneys, and any other agents and employees and assistants as may from time-to time be necessary to establish and maintain administration and enforcement of the Court Reporter Practice Act and rules and regulations established by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1-.05 Use of Forms

Applications and forms shall be made on the prescribed forms approved by the Board. Copies of instructions and forms are available from the office of the Board and on the Board website.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1-.06 Maintenance and Inspection of Board Records

- (1) The Board shall maintain its records in accordance with the Alabama Open Meetings Act.
- (2) Public records maintained by the Board shall be subject to public disclosure pursuant to the Alabama Open Meetings Act and the Alabama Open Records Act.
- (3) Upon request to the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours. The inspection and duplication of public records shall be under the supervision of the Executive Director or an authorized designee.
- (4) Any person wishing to obtain copies of public records shall submit a written request to the office of the Board and will be supplied copies upon payment of the cost of copying, handling, and postage.
- (5) Public records maintained by the Board that are available for inspection and duplication include, but are not limited to:
 - (a) Names and addresses of current licensees;
 - (b) Names of persons whose licenses have been suspended or revoked, including the type, date, infraction, the penalty incurred, and length of the penalty;
 - (c) Rules and regulations of the Board, as promulgated and published in accordance with Sections 41-22-1, et seq., Alabama Administrative Procedures Act, Code of

- Alabama (1975);
- (d) Other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its duties and functions; and
 - (e) Final orders, decisions, declaratory rulings, and opinions issued by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1-.07 Rules and Regulations

All rules and regulations of the Board shall be adopted, amended, or repealed in accordance with Sections 41-22-1, et.-seq., Alabama Administrative Procedures Act, Code of Alabama (1975).

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-1.08 Electronic Documents

(1) In satisfaction of the requirements under these rules, the Board shall accept any document submitted in electronic format, including, but not limited to, facsimiles, scans, pdfs with a resolution of 200 dots per inch (DPI) or higher, and picture images in an electronic mail attachment, in lieu of a paper submission; provided, however, that the Board reserves the right to require submission of an original paper copy of any such document upon the request of the Board.

(2) Initial applications for temporary or court reporter licenses or for reinstatement of a revoked or expired license must be filed in paper format; electronic submission of such applications will not be accepted by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed June 20, 2018