

Amendment No. 153

Assembly Amendment to Assembly Bill No. 91

(BDR 1-472)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will:

- (1) ADD a 2/3s majority vote requirement for final passage of AB91 (§§ 1, 11); and
 (2) MAINTAIN an unfunded mandate not requested by the affected local government to AB91 (§ 1).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, by deleting line 14 and inserting:

“(c) For transcription.”.

Amend section 1, page 2, line 17, by deleting “\$8.20” and inserting “\$7.50”.

Amend section 1, page 2, line 20, by deleting “\$6.15” and inserting “\$5.62”.

Amend section 1, page 2, line 23, by deleting “\$5.13” and inserting “\$4.68”.

Amend section 1, page 2, line 26, by deleting “\$4.10” and inserting “\$3.75”.

Amend section 1, page 3, by deleting lines 7 through 21 and inserting:

“(d) For reporting all civil matters, in addition to the fees”.

Amend section 1, page 3, line 25, by deleting “~~{(e)}~~ (f)” and inserting “(e)”.

JCB/BJE

Date: 4/11/2005

A.B. No. 91—Revises provisions governing fees of reporters of district courts.



Amend section 1, page 3, line 40, by deleting “~~{(d),}~~ (e),” and inserting “(d),”.

Amend section 1, page 3, line 42, by deleting “~~{(f)}~~ (g)” and inserting “(f)”.

Amend section 1, page 3, line 43, by deleting “~~{(e),}~~ (f):” and inserting “(e):”.

Amend section 1, page 4, line 2, by deleting “~~{(e),}~~ (f),” and inserting “(e),”.

Amend section 1, page 4, line 10, by deleting:

“~~{(d) and (e),}~~ (e) *and* (f),” and inserting:

“(d) and (e),”.

Amend section 1, page 4, line 28, by deleting “*civil or*”.

Amend section 1, page 4, line 31, by deleting “~~{(e)}~~ (f)” and inserting “(e)”.

Amend section 1, page 4, by deleting line 45 and inserting:

“paragraph (e) and subparagraph (1) of paragraph (f) of”.

Amend section 1, page 5, line 15, by deleting “~~{(d)}~~ (e)” and inserting “(d)”.

Amend the bill as a whole by renumbering sec. 2 as sec. 16 and adding new sections designated sections 2 through 15, following section 1, to read as follows:

“**Sec. 2.** Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each court reporting firm shall appoint one person affiliated with the court reporting firm to act as the designated representative for the firm. The person so appointed must:

(a) Hold a certificate; or

(b) Pass an examination administered by the Board pursuant to subsection 2.

2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm understands:

(a) The ethics and professionalism required for the practice of court reporting; and

(b) The obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.

3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in the examination administered by the Board pursuant to this section.

Sec. 3. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. “Board” means the Certified Court Reporters’ Board of Nevada.
2. “Certificate” means a certified court reporter’s certificate issued under the provisions of this chapter.
3. “Court reporter” means a person who is technically qualified and registered under this chapter to practice court reporting.
4. “Court reporting firm” means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.
5. *“Designated representative of a court reporting firm” means the person designated to act as the representative of a court reporting firm pursuant to section 2 of this act.*
6. “License” means a license issued under the provisions of this chapter to conduct business as a court reporting firm.
- ~~{6.}~~ 7. *“Licensee” means a person to whom a license has been issued.*
8. “Practice of court reporting” means reporting by the use of any system of manual or mechanical shorthand writing:

- (a) Grand jury proceedings;
- (b) Court proceedings;
- (c) Pretrial examinations, depositions, motions and related proceedings of like character; or
- (d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review.

~~{7.}~~ **9.** “Stenographic notes” means the original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding.

Sec. 4. NRS 656.160 is hereby amended to read as follows:

656.160 1. Every person who files an application for an original certificate must personally appear before the Board for ~~{a-written}~~ **an** examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public.

2. In determining competency, the Board shall administer ~~{a-written}~~ **an** examination to determine whether the applicant has:

- (a) A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology;
- (b) Sufficient ability to report accurately any of the matters comprising the practice of court reporting consisting of material read at not less than 180 words per minute or more than 225 words per minute; and

(c) A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.

Sec. 5. NRS 656.180 is hereby amended to read as follows:

656.180 An applicant for a certificate of registration as a certified court reporter is entitled to a certificate if he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States;
2. Is at least 18 years of age;
3. Is of good moral character;
4. Has a high school education or its equivalent;
5. Submits the statement required pursuant to NRS 656.155;
6. Satisfactorily passes an examination administered by the Board ~~[:]~~ *pursuant to NRS*

656.160; and

7. Pays the requisite fees.

Sec. 6. NRS 656.180 is hereby amended to read as follows:

656.180 An applicant for a certificate of registration as a certified court reporter is entitled to a certificate if he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States;
2. Is at least 18 years of age;
3. Is of good moral character;
4. Has a high school education or its equivalent;

FIRST
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5. Satisfactorily passes an examination administered by the Board ~~[:]~~ *pursuant to NRS 656.160*; and

6. Pays the requisite fees.

Sec. 7. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any person to conduct business as a court reporting firm or to advertise or put out any sign or card or other device which may indicate to members of the public that he is entitled to conduct such a business without first obtaining a license from the Board.

2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the social security number and federal identification number of the applicant;

(b) *Include the name of the person who will act as the designated representative of the court reporting firm and such other identifying information about that person as required by the Board;*

(c) Be accompanied by the statement required pursuant to NRS 656.155; and

~~[(e)]~~ (d) Be accompanied by the required fee.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 8. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any person to conduct business as a court reporting firm or to advertise or put out any sign or card or other device which may indicate to members of the public that he is entitled to conduct such a business without first obtaining a license from the Board.

FIRST
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2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the federal identification number of the applicant; ~~and~~

(b) *Include the name of the person who will be appointed as the designated representative of the court reporting firm and such other identifying information about that person as required by the Board; and*

(c) Be accompanied by the required fee.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 9. NRS 656.187 is hereby amended to read as follows:

656.187 1. A license as a court reporting firm expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:

(a) An application for renewal on a form prescribed by the Board;

(b) The statement required pursuant to NRS 656.155; ~~and~~

(c) *If the designated representative of a court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board; and*

(d) The required fee for renewal.

2. *The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or restoration of a license of a licensee. If a designated representative*

of a court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.

3. A license that expires pursuant to the provisions of this section may be reinstated if the applicant:

- (a) Complies with the provisions of subsection 1; and
- (b) Submits to the Board the required fee for reinstatement.

Sec. 10. NRS 656.187 is hereby amended to read as follows:

656.187 1. A license as a court reporting firm expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:

- (a) An application for renewal on a form prescribed by the Board; ~~and~~
- (b) *If the designated representative of a court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board; and*
- (c) The required fee for renewal.

2. *The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or restoration of a license of a licensee. If a designated representative of a court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.*

3. A license that expires pursuant to the provisions of this section may be reinstated if the applicant:

- (a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the required fee for reinstatement.

Sec. 11. NRS 656.220 is hereby amended to read as follows:

656.220 1. The fees required by this chapter are fixed by the following schedule:

(a) The fee for filing an application for an examination must be fixed by the Board annually at not more than \$250 and not less than \$90.

(b) The fee for the original issuance of a certificate must be fixed by the Board annually at not more than ~~[\$150]~~ **\$250** and not less than ~~[\$100.]~~ **\$150**.

(c) For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.

(d) The annual renewal fee for a certificate must be fixed by the Board annually at not more than ~~[\$150]~~ **\$250** and not less than ~~[\$100.]~~ **\$150**. Every holder of a certificate desiring renewal must pay the annual renewal fee to the board on or before May 15 of each year.

(e) For the renewal of a certificate which was suspended for failure to renew, the fee is an amount equal to all unpaid renewal fees accrued plus a reinstatement fee that must be fixed by the Board annually at not more than ~~[\$75]~~ **\$125** and not less than ~~[\$50.]~~ **\$75**.

(f) The fee for the original issuance of a license as a court reporting firm is ~~[\$150.]~~ **\$250**.

(g) The fee for the annual renewal of a license as a court reporting firm is ~~[\$150.]~~ **\$175**.

(h) The fee for the reinstatement of a license as a court reporting firm is ~~[\$150.]~~ **\$175**.

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for any other service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

Sec. 12. NRS 656.250 is hereby amended to read as follows:

656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate if the court reporter in performing or attempting to perform or pretending to perform any act as a court reporter has:

1. Willfully failed to take full and accurate stenographic notes of any proceedings;
2. Willfully altered any stenographic notes taken at any proceedings;
3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;
4. Willfully altered a transcript of stenographic notes taken at any proceedings;
5. Affixed his signature to any transcript of his stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by him or was prepared under his immediate supervision;
6. Demonstrated unworthiness or incompetency to act as a court reporter in such a manner as to safeguard the interests of the public;
7. Professionally associated with or loaned his name to another for the illegal practice by another of court reporting, or professionally associated with any natural person, firm, copartnership or corporation holding itself out in any manner contrary to the provisions of this chapter;
8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;

9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;

10. Violated any regulation adopted by the Board relating to ~~unprofessional~~ :

(a) *Unprofessional* conduct;

(b) *Agreements for the provision of ongoing services as a court reporter or ongoing services which relate to the practice of court reporting;*

(c) *The avoidance of a conflict of interest; or*

(d) *The performance of the practice of court reporting in a uniform, fair and impartial manner and avoiding the appearance of impropriety.*

11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or

12. Failed without excuse to transcribe stenographic notes of a proceeding and file a transcript of the stenographic notes:

(a) Within the time required by law or agreed to by contract; or

(b) Within any other reasonable time required for filing the transcript.

Sec. 13. NRS 656.260 is hereby amended to read as follows:

656.260 1. A holder of a license or certificate shall notify the Chairman or Executive Secretary of the Board in writing within 30 days after changing his name or address.

2. ~~[If a court reporting firm is a partnership or corporation, any change of partners]~~ ***Any change of ownership*** or corporate officers ***of a court reporting firm or of the designated representative of the court reporting firm*** must be reported to the Chairman or Executive Secretary within 30 days after the change.

3. The Board may suspend or revoke a license or certificate if the holder thereof fails so to notify the Board.

Sec. 14. NRS 656.340 is hereby amended to read as follows:

656.340 1. ~~It~~ *Except as otherwise provided in subsection 2, it* is unlawful for any person to practice court reporting or advertise or put out any sign or card or other device which might indicate to the public that he is entitled to practice as a court reporter without a certificate of registration as a certified court reporter issued by the Board.

2. Any person may, with the approval of the Board, practice court reporting on a temporary basis ~~[with reference to any single proceeding]~~ when there is an acknowledged unavailability of a certified court reporter. *A person requesting the approval of the Board to practice court reporting on a temporary basis shall submit to the Board:*

(a) Documentation or other proof that the person has at least one continuous year of experience working full-time in the practice of court reporting; and

(b) A copy of:

(1) The certification as a registered professional reporter issued to the person by the National Court Reporters Association;

(2) The certification as a registered merit reporter issued to the person by the National Court Reporters Association; or

(3) A valid certificate or license to practice court reporting issued to the person by another state.

Sec. 15. Any person to whom a license to conduct business as a court reporting firm has been issued before January 1, 2006, shall appoint a designated representative of the court reporting firm as

required pursuant to section 2 of this act and inform the Board of the person so designated by not later than January 1, 2006.”.

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 2, to read as follows:

“**Sec. 17.** 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 2, 3, 7, 9 and 13 of this act become effective:

(a) Upon passage and approval for purpose of adopting regulations and administering examinations; and

(b) On January 1, 2006, for all other purposes.

3. Sections 1, 4, 5, 11, 12, 14 and 16 of this act become effective on October 1, 2005.

4. Sections 5, 7 and 9 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

5. Sections 6, 8 and 10 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to

withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.”.

Amend the title of the bill to read as follows:

“AN ACT relating to court reporters; increasing the fees for a court reporter in district court;

requiring each court reporting firm to appoint a person who meets certain qualifications as the designated representative of the court reporting firm; revising the fees relating to the issuance or renewal of a certificate of registration as court reporter; revising the fees relating to the issuance or renewal of a license to own a court reporting firm; revising the provisions relating to the discipline of a certified court reporter; revising the provisions relating to the temporary practice of court reporting; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to court reporters and court reporting firms. (BDR 1-472)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law establishes the fees for the services of court reporters in district courts. (NRS 3.370)

This bill increases certain fees paid to court reporters and establishes fees for court reporters who deliver transcripts on a daily basis if the court determines that the services of more than one court reporter are necessary for such a task.

Under existing law, a person must be licensed by the Certified Court Reporters' Board of Nevada to conduct business as a court reporting firm. To obtain such a license, the applicant is not required to be a certified court reporter. (NRS 656.185)

This bill requires each court reporting firm to appoint a person affiliated with the court reporting firm as the designated representative of the court reporting firm. To be appointed as the designated representative of a court reporting firm the person must either be a certified court reporter or must pass an examination administered by the Board. If the person acting as the designated representative of the firm is not a certified court reporter, the person must also comply with continuing education requirements established by the Board.

Existing law establishes the fees relating to the issuance or renewal of a certificate of registration as a court reporter or a license as a court reporting firm. (NRS 656.220)

This bill increases the fees relating to the issuance or renewal of a certificate of registration as a court reporter or a license as a court reporting firm.

Existing law specifies grounds for the denial, suspension or revocation of a certificate of registration as a court reporter and of a license to conduct business as a court reporting firm. (NRS 656.240, 656.250, 656.253)

This bill expands the grounds for the denial, suspension or revocation of such a certificate or license.

Under existing law, a person may engage in the practice of court reporting on a temporary basis with reference to a single proceeding with the approval of the Board. (NRS 656.340)

This bill removes the condition that the temporary practice of court reporting be limited to a single proceeding. The bill further provides that a person who wishes to temporarily engage in the practice of court reporting submit certain information to the Board concerning his qualifications.