

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2192

Introduced by Assembly Member Salas
(Principal coauthor: Senator Hill)

February 18, 2016

An act to amend Sections ~~8000 and 8005~~ of 8000, 8005, 8030.2, 8030.4, 8030.6, and 8030.8 of, to add Section 8030.1 to, to add and repeal Section 8030.9 of, and to repeal Section 8030.5 of, the Business and Professions Code, relating to professions and ~~vocations~~: vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as amended, Salas. Court Reporters Board of California: ~~personnel~~: personnel: *Transcript Reimbursement Fund*.

Existing

(1) Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer and committees and to employ other employees, as specified. Existing law repeals these provisions on January 1, 2017.

This bill would extend ~~those provisions~~ the operation of the board and the authorization of the board to appoint specified personnel and committees until January 1, ~~2021~~: 2020.

(2) Existing law establishes the Court Reporters' Fund and requires all fees and revenue received by the board to be deposited into that fund. Existing law requires, until January 1, 2017, certain fees and

revenues collected by the board from licensees to be deposited into the Transcript Reimbursement Fund, which is established as a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases. Existing law authorizes, until January 1, 2017, low-income persons appearing pro se to apply for funds from the Transcript Reimbursement Fund, subject to specified requirements and limitations, including that total disbursements are prohibited from exceeding \$30,000 annually and \$1,500 per case. Existing law requires the board, until January 1, 2017, to publicize the availability of the Transcript Reimbursement Fund to prospective applicants. Existing law requires the unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2017, to be transferred to the Court Reporters' Fund.

The bill would provide that the Transcript Reimbursement Fund is to be funded by a transfer of funds from the Court Reporters' Fund in the amount of \$300,000 annually and authorizes the board to transfer funds in increments of \$100,000. The bill would authorize the board to use existing resources to publicize the availability of the Transcript Reimbursement Fund to prospective applicants, as specified. The bill would instead prohibit disbursements from the Transcript Reimbursement Fund to pro se litigants from exceeding \$75,000 annually. The bill would prohibit a vexatious litigant, as defined, from receiving funds from the Transcript Reimbursement Fund, except as specified. The bill would require the board to prepare and submit a report to the Legislature on or before January 1, 2019, regarding the condition of the Court Reporters' Fund, the condition of the Transcript Reimbursement Fund, and alternative funding sources to cover the costs associated with transcripts provided to indigent litigants, as specified. This bill would extend the operation of the provisions regarding the Transcript Reimbursement Fund until January 1, 2019, and recast and revise certain provisions regarding that fund.

By extending the operation of the Transcript Reimbursement Fund, which is a continuously appropriated fund, the bill would make an appropriation.

(3) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of ²/₃ of the membership of each house of the Legislature.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~^{yes}. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8000 of the Business and Professions
2 Code is amended to read:

3 8000. (a) There is in the Department of Consumer Affairs a
4 Court Reporters Board of California, which consists of five
5 members, three of whom shall be public members and two of
6 whom shall be holders of certificates issued under this chapter
7 who have been actively engaged as shorthand reporters within this
8 state for at least five years immediately preceding their
9 appointment.

10 (b) This section shall remain in effect only until January 1, ~~2021~~,
11 ~~2020~~, and as of that date is repealed.

12 (c) Notwithstanding any other law, repeal of this section renders
13 the board subject to review by the appropriate policy committees
14 of the Legislature.

15 SEC. 2. Section 8005 of the Business and Professions Code is
16 amended to read:

17 8005. (a) The Court Reporters Board of California is charged
18 with the executive functions necessary for effectuating the purposes
19 of this chapter. It may appoint committees as it deems necessary
20 or proper. The board may appoint, prescribe the duties, and fix the
21 salary of an executive officer. Except as provided by Section 159.5,
22 the board may also employ other employees as may be necessary,
23 subject to civil service and other law.

24 (b) This section shall remain in effect only until January 1, ~~2021~~,
25 ~~2020~~, and as of that date is repealed.

26 SEC. 3. *Section 8030.1 is added to the Business and Professions*
27 *Code, to read:*

28 *8030.1. The board may use existing resources to undertake*
29 *efforts to publicize the availability of the Transcript Reimbursement*
30 *Fund, established pursuant to Section 8030.2, to prospective*
31 *applicants through appropriate entities serving these applicants,*
32 *including the State Bar of California, the California Commission*
33 *on Access to Justice, and the Legal Aid Association of California.*
34 *These efforts shall be described in the report required by Section*
35 *8030.9.*

1 *SEC. 4. Section 8030.2 of the Business and Professions Code*
2 *is amended to read:*

3 8030.2. (a) To provide shorthand reporting services to
4 low-income litigants in civil cases, who are unable to otherwise
5 afford those services, funds generated by fees received by the board
6 pursuant to subdivision (c) of Section 8031 in excess of funds
7 needed to support the board's operating budget for the fiscal year
8 in which a transfer described below is made shall be used by the
9 board for the purpose of establishing and maintaining a Transcript
10 Reimbursement Fund. The Transcript Reimbursement Fund shall
11 be established by a transfer of funds from the Court Reporters'
12 Fund in the amount of three hundred thousand dollars (\$300,000)
13 at the beginning of each fiscal year. *The Transcript Reimbursement*
14 *Fund shall be funded by a transfer of funds from the Court*
15 *Reporters' Fund in the amount of three hundred thousand dollars*
16 *(\$300,000) annually. The board is authorized to transfer funds in*
17 *increments of one hundred thousand dollars (\$100,000) for a total*
18 *of three hundred thousand dollars (\$300,000). Notwithstanding*
19 any other provision of this article, a transfer to the Transcript
20 Reimbursement Fund in excess of the fund balance established at
21 the beginning of each fiscal year shall not be made by the board
22 if the transfer will result in the reduction of the balance of the Court
23 Reporters' Fund to an amount less than six months' operating
24 budget.

25 ~~(b) All moneys held in the Court Reporters' Fund on the~~
26 ~~effective date of this section in excess of the board's operating~~
27 ~~budget for the 1996-97 fiscal year shall be used as provided in~~
28 ~~subdivision (a).~~

29 ~~(e)~~

30 (b) Refunds and unexpended funds that are anticipated to remain
31 in the Transcript Reimbursement Fund at the end of the fiscal year
32 shall be considered by the board in establishing the fee assessment
33 pursuant to Section 8031 so that the assessment shall maintain the
34 level of funding for the Transcript Reimbursement Fund, as
35 specified in subdivision (a), in the following fiscal year.

36 ~~(d)~~

37 (c) The Transcript Reimbursement Fund is hereby created in
38 the State Treasury. Notwithstanding Section 13340 of the
39 Government Code, moneys in the Transcript Reimbursement Fund
40 are continuously appropriated for the purposes of this chapter.

1 (e)

2 (d) (1) ~~Applicants, including applicants pursuant to Section~~
3 ~~8030.5, Applicants~~ who have been reimbursed pursuant to this
4 chapter for services provided to litigants and who are awarded
5 court costs or attorney's fees by judgment or by settlement
6 agreement shall refund the full amount of that reimbursement to
7 the fund within 90 days of receipt of the award or settlement.

8 (2) An applicant ~~pursuant to Section 8030.5~~ *appearing pro se*
9 who has been reimbursed for services provided to litigants under
10 this chapter shall refund the full amount reimbursed if a court
11 orders the applicant's fee waiver withdrawn or denied retroactively
12 pursuant to Section 68636 of the Government Code, within 90
13 days of the court's order withdrawing or denying the fee waiver.

14 (f)

15 (e) Subject to the limitations of this chapter, the board shall
16 maintain the fund at a level that is sufficient to pay all qualified
17 claims. To accomplish this objective, the board shall utilize all
18 refunds, unexpended funds, fees, and any other moneys received
19 by the board.

20 (g)

21 (f) Notwithstanding Section 16346 of the Government Code,
22 all unencumbered funds remaining in the Transcript
23 Reimbursement Fund as of January 1, ~~2017, 2019~~, shall be
24 transferred to the Court Reporters' Fund.

25 (h)

26 (g) This section shall remain in effect only until January 1, ~~2017,~~
27 ~~2019~~, and as of that date is ~~repealed, unless a later enacted statute,~~
28 ~~that is enacted before January 1, 2017, deletes or extends that date.~~
29 *repealed.*

30 *SEC. 5. Section 8030.4 of the Business and Professions Code*
31 *is amended to read:*

32 8030.4. As used in this chapter:

33 (a) "Applicant" means a qualified legal services project,
34 qualified support center, other qualified project, or pro bono
35 attorney applying to receive funds from the Transcript
36 Reimbursement Fund established by this chapter. The term
37 "applicant" ~~shall not include a person appearing pro se to represent~~
38 ~~himself or herself at any stage of a case. includes an indigent~~
39 *person appearing pro se to represent himself or herself at any*

1 *stage of the case and applying to receive funds from the Transcript*
2 *Reimbursement Fund established in Section 8030.2.*

3 (b) “Case” means a single legal proceeding from its inception,
4 through all levels of hearing, trial, and appeal, until its ultimate
5 conclusion and disposition.

6 (c) “Certified shorthand reporter” means a shorthand reporter
7 certified pursuant to Article 3 (commencing with Section 8020)
8 performing shorthand reporting services pursuant to Section 8017.

9 (d) “Developmentally Disabled Assistance Act” means the
10 Developmentally Disabled Assistance and Bill of Rights Act of
11 1975 (Public Law 94-103), as amended.

12 (e) “Fee-generating case” means any case or matter that, if
13 undertaken on behalf of an eligible client by an attorney in private
14 practice, reasonably may be expected to result in payment of a fee
15 for legal services from an award to a client, from public funds, or
16 from an opposing party. A reasonable expectation as to payment
17 of a legal fee exists wherever a client enters into a contingent fee
18 agreement with his or her lawyer. If there is no contingent fee
19 agreement, a case is not considered fee generating if adequate
20 representation is deemed to be unavailable because of the
21 occurrence of any of the following circumstances:

22 (1) If the applicant has determined that referral is not possible
23 because of any of the following:

24 (A) The case has been rejected by the local lawyer referral
25 service, or if there is no such service, by two private attorneys who
26 have experience in the subject matter of the case.

27 (B) Neither the referral service nor any lawyer will consider the
28 case without payment of a consultation fee.

29 (C) The case is of the type that private attorneys in the area
30 ordinarily do not accept, or do not accept without prepayment of
31 a fee.

32 (D) Emergency circumstances compel immediate action before
33 referral can be made, but the client is advised that, if appropriate
34 and consistent with professional responsibility, referral will be
35 attempted at a later time.

36 (2) If recovery of damages is not the principal object of the case
37 and a request for damages is merely ancillary to an action for
38 equitable or other nonpecuniary relief or inclusion of a
39 counterclaim requesting damages is necessary for effective defense
40 or because of applicable rules governing joinder of counterclaims.

1 (3) If a court appoints an applicant or an employee of an
2 applicant pursuant to a statute or a court rule or practice of equal
3 applicability to all attorneys in the jurisdiction.

4 (4) In any case involving the rights of a claimant under a
5 public-supported benefit program for which entitlement to benefit
6 is based on need.

7 (f) (1) “Indigent person” means any of the following:

8 (A) A person whose income is 125 percent or less of the current
9 poverty threshold established by the United States Office of
10 Management and Budget.

11 (B) A person who is eligible for supplemental security income.

12 (C) A person who is eligible for, or receiving, free services
13 under the federal Older Americans Act or the Developmentally
14 Disabled Assistance Act.

15 (D) A person whose income is 75 percent or less of the
16 maximum level of income for lower income households as defined
17 in Section 50079.5 of the Health and Safety Code, for purposes of
18 a program that provides legal assistance by an attorney in private
19 practice on a pro bono basis.

20 (E) A person who qualifies for a waiver of fees pursuant to
21 Section 68632 of the Government Code.

22 (2) For the purposes of this subdivision, the income of a person
23 who is disabled shall be determined after deducting the costs of
24 medical and other disability-related special expenses.

25 (g) “Lawyer referral service” means a lawyer referral program
26 authorized by the State Bar of California pursuant to the rules of
27 professional conduct.

28 (h) “Legal Services Corporation” means the Legal Services
29 Corporation established under the Legal Services Corporation Act
30 of 1974 (Public Law 93-355), as amended.

31 (i) “Older Americans Act” means the Older Americans Act of
32 1965 (Public Law 89-73), as amended.

33 (j) “Other qualified project” means a nonprofit organization
34 formed for charitable or other public purposes, that does not receive
35 funds from the Legal Services Corporation or pursuant to the
36 federal Older Americans Act, and provides free legal services to
37 indigent persons.

38 (k) “Pro bono attorney” means any attorney, law firm, or legal
39 corporation, licensed to practice law in this state, that undertakes,
40 without charge to the party, the representation of an indigent

1 person, referred by a qualified legal services project, qualified
2 support center, or other qualified project, in a case not considered
3 to be fee generating, as defined in this chapter.

4 (l) “Qualified legal services project” means a nonprofit project,
5 incorporated and operated exclusively in California, that provides
6 as its primary purpose and function legal services without charge
7 to indigent persons, has a board of directors or advisory board
8 composed of both attorneys and consumers of legal services, and
9 provides for community participation in legal services
10 programming. A legal services project funded, either in whole or
11 in part, by the Legal Services Corporation or with the federal Older
12 Americans Act funds is presumed to be a qualified legal services
13 project for the purposes of this chapter.

14 (m) “Qualified support center” means an incorporated nonprofit
15 legal services center that has an office or offices in California that
16 provide legal services or technical assistance without charge to
17 qualified legal services projects and their clients on a multicounty
18 basis in California. A support center funded, either in whole or in
19 part, by the Legal Services Corporation or with the federal Older
20 Americans Act funds is presumed to be a qualified legal services
21 project for the purposes of this chapter.

22 (n) “Rules of professional conduct” means those rules adopted
23 by the State Bar of California pursuant to Sections 6076 and 6077.

24 (o) “Supplemental security income recipient” means an
25 individual receiving or eligible to receive payments under Title
26 XVI of the Social Security Act (Public Law 92-603), as amended,
27 or payment under Chapter 3 (commencing with Section 12000) of
28 Part 3 of Division 9 of the Welfare and Institutions Code.

29 (p) “Vexatious litigant” means a person as defined in
30 subdivision (b) of Section 391 of the Code of Civil Procedures.

31 (p)

32 (q) This section shall remain in effect only until January 1, 2017,
33 2019, and as of that date is repealed, unless a later enacted statute,
34 that is enacted before January 1, 2017, deletes or extends that date.
35 repealed.

36 SEC. 6. Section 8030.5 of the Business and Professions Code
37 is repealed.

38 8030.5. (a) Notwithstanding subdivision (a) of Section 8030.4,
39 as used in this chapter the term “applicant” also means an indigent
40 person, as defined in subdivision (f) of Section 8030.4, appearing

1 pro se to represent himself or herself at any stage of the case and
2 applying to receive funds from the Transcript Reimbursement
3 Fund established by this chapter.

4 (b) Notwithstanding Section 8030.6, total disbursements to
5 cover the cost of providing transcripts to all applicants pursuant
6 to this section shall not exceed thirty thousand dollars (\$30,000)
7 annually and shall not exceed one thousand five hundred dollars
8 (\$1,500) per case.

9 (c) The board shall provide a report to the Senate and Assembly
10 Committees on Judiciary by March 1, 2012, that includes a
11 summary of the expenditures and claims relating to this article,
12 including the initial fund balance as of January 1, 2011; all funds
13 received, including the amount of, and reason for, any refunds
14 pursuant to subdivision (c) of Section 8030.2; all claims received,
15 including the type of case, court involved, service for which
16 reimbursement was sought, amount paid, and amount denied, if
17 any, and the reason for denial; and all administrative fees. This
18 report shall be provided using existing resources.

19 (d) The Legislature finds and declares that there are funds
20 available for indigent pro se parties under this article only because
21 the Transcript Reimbursement Fund has not been fully utilized in
22 recent years by the eligible applicants for whom its use has been
23 intended, despite the evident financial need among legal services
24 organizations and pro bono attorneys. Accordingly, the board shall,
25 using existing resources, undertake further efforts to publicize the
26 availability of the Transcript Reimbursement Fund to prospective
27 applicants, as defined in subdivision (a) of Section 8030.4, through
28 appropriate entities serving these applicants, including the State
29 Bar of California, the California Commission on Access to Justice,
30 and the Legal Aid Association of California. These efforts shall
31 be described in the report required by subdivision (c).

32 (e) This section shall remain in effect only until January 1, 2017,
33 and as of that date is repealed, unless a later enacted statute that
34 is enacted before January 1, 2017, deletes or extends that date.

35 *SEC. 7. Section 8030.6 of the Business and Professions Code*
36 *is amended to read:*

37 8030.6. The board shall disburse funds from the Transcript
38 Reimbursement Fund for the costs, exclusive of per diem charges
39 by official reporters, of preparing either an original transcript and
40 one copy thereof, or where appropriate, a copy of the transcript,

1 of court or deposition proceedings, or both, incurred as a
2 contractual obligation between the shorthand reporter and the
3 applicant, for litigation conducted in California. If there is no
4 deposition transcript, the board may reimburse the applicant or the
5 certified shorthand reporter designated in the application for per
6 diem costs. The rate of per diem for depositions shall not exceed
7 seventy-five dollars (\$75) for one-half day, or one hundred
8 twenty-five dollars (\$125) for a full day. If a transcript is ordered
9 within one year of the date of the deposition, but subsequent to
10 the per diem having been reimbursed by the Transcript
11 Reimbursement Fund, the amount of the per diem shall be deducted
12 from the regular customary charges for a transcript. Reimbursement
13 may be obtained through the following procedures:

14 (a) The applicant or certified shorthand reporter shall promptly
15 submit to the board the certified shorthand reporter's invoice for
16 transcripts together with the appropriate documentation as is
17 required by this chapter.

18 (b) Except as provided in subdivision (c), the board shall
19 promptly determine if the applicant or the certified shorthand
20 reporter is entitled to reimbursement under this chapter and shall
21 make payment as follows:

22 (1) Regular customary charges for preparation of original
23 deposition transcripts and one copy thereof, or a copy of the
24 transcripts.

25 (2) Regular customary charges for expedited deposition
26 transcripts up to a maximum of two thousand five hundred dollars
27 (\$2,500) per case.

28 (3) Regular customary charges for the preparation of original
29 transcripts and one copy thereof, or a copy of transcripts of court
30 proceedings.

31 (4) Regular customary charges for expedited or daily charges
32 for preparation of original transcripts and one copy thereof or a
33 copy of transcripts of court proceedings.

34 (5) The charges shall not include notary or handling fees. The
35 charges may include actual shipping costs and exhibits, except
36 that the cost of exhibits may not exceed thirty-five cents (\$0.35)
37 each or a total of thirty-five dollars (\$35) per transcript.

38 (c) The maximum amount reimbursable by the fund under
39 subdivision (b) shall not exceed twenty thousand dollars (\$20,000)
40 per case per year.

1 (d) A vexatious litigant shall be ineligible to receive funds from
2 the Transcript Reimbursement Fund. However, a vexatious litigant
3 may become eligible to receive funds if he or she is no longer
4 subject to the provisions of Title 3A of Part 2 of the Code of Civil
5 Procedure pursuant to Section 391.8 of Code of Civil Procedure.

6 (e) Total disbursements to cover the costs of providing
7 transcripts to all applicants appearing pro se pursuant to this
8 section shall not exceed seventy-five thousand dollars (\$75,000)
9 annually and shall not exceed one thousand five hundred dollars
10 (\$1,500) per case.

11 ~~(d)~~

12 (f) If entitled, and funds are available, the board shall disburse
13 the appropriate sum to the applicant or the certified shorthand
14 reporter when the documentation described in Section 8030.8
15 accompanies the application. A notice shall be sent to the recipient
16 requiring the recipient to file a notice with the court in which the
17 action is pending stating the sum of reimbursement paid pursuant
18 to this section. The notice filed with the court shall also state that
19 if the sum is subsequently included in any award of costs made in
20 the action, that the sum is to be ordered refunded by the applicant
21 to the Transcript Reimbursement Fund whenever the sum is
22 actually recovered as costs. The court shall not consider whether
23 payment has been made from the Transcript Reimbursement Fund
24 in determining the appropriateness of any award of costs to the
25 parties. The board shall also notify the applicant that the reimbursed
26 sum has been paid to the certified shorthand reporter and shall
27 notify the applicant of the duty to refund any of the sum actually
28 recovered as costs in the action.

29 ~~(e)~~

30 (g) If not entitled, the board shall return a copy of the invoice
31 to the applicant and the designated certified shorthand reporter
32 together with a notice stating the grounds for denial.

33 ~~(f)~~

34 (h) The board shall complete its actions under this section within
35 30 days of receipt of the invoice and all required documentation,
36 including a completed application.

37 ~~(g)~~

38 (i) Applications for reimbursements from the fund shall be filed
39 on a first-come-first-served basis.

40 ~~(h)~~

1 (j) Applications for reimbursement that cannot be paid from the
2 fund due to insufficiency of the fund for that fiscal year shall be
3 held over until the next fiscal year to be paid out of the renewed
4 fund. Applications held over shall be given a priority standing in
5 the next fiscal year.

6 (i)

7 (k) This section shall remain in effect only until January 1, 2017,
8 2019, and as of that date is repealed, unless a later enacted statute,
9 that is enacted before January 1, 2017, deletes or extends that date.
10 repealed.

11 SEC. 8. Section 8030.8 of the Business and Professions Code
12 is amended to read:

13 8030.8. (a) For purposes of this chapter, documentation
14 accompanying an invoice is sufficient to establish entitlement for
15 reimbursement from the Transcript Reimbursement Fund if it is
16 filed with the executive officer on an application form prescribed
17 by the board that is complete in all respects, and that establishes
18 all of the following:

19 (1) The case name and number and that the litigant or litigants
20 requesting the reimbursement are indigent persons. If the applicant
21 is an indigent person ~~applying pursuant to Section 8030.5,~~
22 *appearing pro se* the application shall be accompanied by a copy
23 of the fee waiver form approved by the court in the matter for
24 which the applicant seeks reimbursement.

25 (2) The applicant is qualified under the provisions of this
26 chapter.

27 (3) The case is not a fee-generating case, as defined in Section
28 8030.4.

29 (4) The invoice or other documentation shall evidence that the
30 certified shorthand reporter to be reimbursed was, at the time the
31 services were rendered, a duly licensed certified shorthand reporter.

32 (5) The invoice shall be accompanied by a statement, signed by
33 the applicant, stating that the charges are for transcripts actually
34 provided as indicated on the invoice.

35 (6) The applicant has acknowledged, in writing, that as a
36 condition of entitlement for reimbursement that the applicant agrees
37 to refund the entire amount disbursed from the Transcript
38 Reimbursement Fund from any costs or attorney's fees awarded
39 to the applicant by the court or provided for in any settlement
40 agreement in the case.

1 (7) The certified shorthand reporter's invoice for transcripts
2 shall include separate itemizations of charges claimed, as follows:

3 (A) Total charges and rates for customary services in preparation
4 of an original transcript and one copy or a copy of the transcript
5 of depositions.

6 (B) Total charges and rates for expedited deposition transcripts.

7 (C) Total charges and rates in connection with transcription of
8 court proceedings.

9 (b) For an applicant claiming to be eligible pursuant to
10 subdivision (j), (l), or (m) of Section 8030.4, a letter from the
11 director of the project or center, certifying that the project or center
12 meets the standards set forth in one of those subdivisions and that
13 the litigant or litigants are indigent persons, is sufficient
14 documentation to establish eligibility.

15 (c) For an applicant claiming to be eligible pursuant to
16 subdivision (k) of Section 8030.4, a letter certifying that the
17 applicant meets the requirements of that subdivision, that the case
18 is not a fee-generating case, as defined in subdivision (e) of Section
19 8030.4, and that the litigant or litigants are indigent persons,
20 together with a letter from the director of a project or center defined
21 in subdivision (j), (l), or (m) of Section 8030.4 certifying that the
22 litigant or litigants had been referred by that project or center to
23 the applicant, is sufficient documentation to establish eligibility.

24 (d) The applicant may receive reimbursement directly from the
25 board if the applicant has previously paid the certified shorthand
26 reporter for transcripts as provided in Section 8030.6. To receive
27 payment directly, the applicant shall submit, in addition to all other
28 required documentation, an itemized statement signed by the
29 certified shorthand reporter performing the services that describes
30 payment for transcripts in accordance with the requirements of
31 Section 8030.6.

32 (e) The board may prescribe appropriate forms to be used by
33 applicants and certified shorthand reporters to facilitate these
34 requirements.

35 (f) This chapter does not restrict the contractual obligation or
36 payment for services, including, but not limited to, billing the
37 applicant directly, during the pendency of the claim.

38 (g) This section shall remain in effect only until January 1, 2017,
39 2019, and as of that date is repealed, unless a later enacted statute,

1 ~~that is enacted before January 1, 2017, deletes or extends that date.~~
 2 ~~repealed.~~

3 *SEC. 9. Section 8030.9 is added to the Business and Professions*
 4 *Code, to read:*

5 *8030.9. (a) The board shall prepare and submit to the*
 6 *Legislature, on or before January 1, 2019, a report on the condition*
 7 *of the Court Reporters' Fund, the condition of the Transcript*
 8 *Reimbursement Fund, and alternative funding sources to cover*
 9 *the costs associated with transcripts provided to indigent litigants,*
 10 *including, but not limited to, shorthand reporting services, such*
 11 *as transcript processing. The report shall include all of the*
 12 *following:*

13 *(1) Expenditures and claims relating to this article, including*
 14 *the initial balance of the Transcript Reimbursement Fund as of*
 15 *January 1, 2017.*

16 *(2) Funds received, including the amount of, and reason for,*
 17 *any refunds pursuant to Section 8030.2.*

18 *(3) Claims received, including the type of case, court involved,*
 19 *service for which reimbursement was sought, amount paid, and*
 20 *amount denied, if any, and the reason for denial.*

21 *(4) Efforts pursuant to Section 8030.1 to publicize the*
 22 *availability of the funds in the Transcript Reimbursement Fund to*
 23 *prospective applicants.*

24 *(5) Administrative fees.*

25 *(6) An analysis of the condition of the Transcript Reimbursement*
 26 *Fund, including a five-year projection of its fiscal solvency based*
 27 *on the licensee fee level for those years.*

28 *(7) Whether the amount transferred annually to the Transcript*
 29 *Reimbursement Fund is sufficient to maintain the fund at a level*
 30 *that is sufficient to pay all qualified claims.*

31 *(A) If the amount transferred annually is not sufficient to pay*
 32 *all qualified claims, the board shall recommend a level that would*
 33 *be sufficient.*

34 *(B) If the amount transferred annually is not sufficient to pay*
 35 *all qualified claims, the board shall recommend an alternative*
 36 *source of funding that does not exceed more than 25 percent of an*
 37 *individual licensee's renewal fee pursuant to subdivision (b) of*
 38 *Section 8031.*

39 *(b) The report shall be provided using existing resources.*

1 (c) *The report prepared pursuant to subdivision (a) shall be*
2 *submitted in accordance with Section 9795 of the Government*
3 *Code.*

4 (d) *This section shall remain in effect only until January 1, 2019,*
5 *and as of that date is repealed.*

O