

Dear Senators PATRICK, Agenbroad, Ward-Engelking, and
Representatives DIXON, DeMordaunt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Idaho Certified Shorthand Reporters Board:
IDAPA 24.29.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.
24-2901-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/20/2020. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/17/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee
FROM: Principal Legislative Drafting Attorney - Ryan Bush
DATE: October 1, 2020
SUBJECT: Division of Occupational and Professional Licenses - Idaho Certified Shorthand Reporters Board

IDAPA 24.29.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 24-2901-2000F)

The Division of Occupational and Professional Licenses submits proposed rules that reauthorize and republish the following previously approved chapter under IDAPA 24:

24.29.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board

These rules were previously analyzed and reviewed by the Legislative Services Office upon promulgation.

This is a fee rule. No new fees or charges, or changes to existing fees or charges, are noted in this docket.

No other substantive changes from the existing rules have been noted.

cc: Division of Occupational and Professional Licenses - Idaho Certified Shorthand Reporters Board
Russ Barron

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.29.01 – RULES OF PROCEDURE OF THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD

DOCKET NO. 24-2901-2000F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-3107, Idaho Code.

PUBLIC HEARING SCHEDULE: Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 24.29.01, rules of Procedure of the Idaho Certified Shorthand Reporters Board:

IDAPA 24.29

- 24.29.01, *Rules of Procedure of the Idaho Certified Shorthand Reporters Board.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. Fees are established in accordance with Section 54-3110, Idaho Code, as follows:

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Examination	\$50
Renewal	\$75
Examination Preparation Materials	\$20

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rob McQuade at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 1st day of September, 2020.

Russell Barron
Administrator
Division of Occupational and Professional Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
ibol@ibol.idaho.gov

**24.29.01 – RULES OF PROCEDURE OF THE IDAHO CERTIFIED
SHORTHAND REPORTERS BOARD**

000. LEGAL AUTHORITY.

These rules are adopted under the authority of Section 54-3107, Idaho Code. ()

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.29.01, "Rules of Procedure of the Idaho Certified Shorthand Reporters Board." These rules establish procedures for the organization and operation of the Board. ()

002. -- 100. (RESERVED)

101. COMMITTEES.

01. Appointment. Regular or special committees may be appointed by the chairman and present reports to the Board at the time specified or at the earliest regular or special meeting of the Board. A special voluntary committee from the public, which may include members of the Board, may be formed to render special services during examinations or as the Board may assign to them. ()

02. Certificates. Certificates of registration shall be issued to each certified shorthand reporter, as prescribed by the Title 54, Chapter 31, on forms adopted by the Board. Certificates shall be displayed by certified shorthand reporters in their place of business. Each certificate shall bear an individual number as assigned to that particular Certified Shorthand Reporter by the Board. ()

102. -- 124. (RESERVED)

125. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Examination	\$50
Renewal	\$75
Examination preparation materials	\$20

()

126. -- 200. (RESERVED)

201. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE OR PERMIT.

An applicant or licensee who has a conviction, finding of guilt, withheld judgment, or suspended sentence for any crime other than a minor traffic offense must submit with their application a written statement and any supplemental information establishing their current suitability for licensure. ()

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: ()

a. The severity or nature of the crime; ()

b. The period of time that has passed since the crime under review; ()

c. The number or pattern of crimes; ()

d. The circumstances surrounding the crime that would help determine the risk of repetition; ()

e. The relationship of the crime or discipline to the practice of shorthand reporting; ()

f. The applicant's activities since the crime under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current

rehabilitation; and ()

g. Any other information regarding rehabilitation or mitigating circumstances. ()

02. Interview. The Board may, at its discretion, grant an interview of the applicant. ()

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing his current suitability for licensure. ()

202. -- 299. (RESERVED)

300. EXAMINATIONS.

01. Examination Process. ()

a. Late applicants shall not be admitted to the examination room. ()

b. Picture identification shall be shown by all applicants before taking an examination. ()

c. Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized material or devices during the examination is strictly prohibited. ()

d. Only scheduled examinees, Board members, and authorized personnel shall be admitted to the examination room. ()

02. Scope of Examination. ()

a. The complete examining procedure for certification as a certified shorthand reporter consists of two (2) sections. The first section is the written examination covering subjects as are ordinarily given in a school of court reporting and which are common to all fields of practice. The second section is the skills portion which shall consist of the following segments and speeds. ()

i. Question and Answer -- Five (5) minutes at two hundred twenty-five (225) words per minute. ()

ii. Jury Charge -- Five (5) minutes at two hundred (200) words per minute. ()

iii. Literary -- Five (5) minutes at one hundred eighty (180) words per minute. ()

iv. Density of Exam -- The syllabic content of the dictated exam shall be one point four (1.4). ()

b. The examination is the same for all applicants. ()

c. The examining committee, which shall consist of three Board members, shall inform applicants of the approximate time allowed for typing the skills portion of the examination. ()

d. The written examination and the three (3) skills segments can be passed individually for the Idaho examination. ()

03. Grading. ()

a. Each applicant must attain a grade of seventy-five percent (75%) or above to pass the written examination and ninety-five percent (95%) or above in each segment to pass the skills portion. ()

b. Every applicant receiving a grade of less than seventy-five percent (75%) in the written examination shall be deemed to have failed such examination and shall have the application denied without prejudice.

()

c. Every applicant receiving a grade of less than ninety-five percent (95%) in each of the skills segments of the examination shall be deemed to have failed such examination and shall have the application denied without prejudice. ()

d. An applicant failing either the written section, or the skills portion, and having filed a new application for examination, shall be required to take and pass within a two-year period only the section for which a failing grade was received. ()

04. Inspection of Examination. ()

a. An applicant who fails to obtain a passing grade in the skills portion may inspect his/her examination papers at such times and locations as may be designated by the Board. Inspection of such examination papers shall be permitted within a thirty (30) day period after receipt of notice by the applicant of his/her failure to pass the examination. ()

b. At the time of inspection no one other than the examinee or his/her attorney and a representative of the Board shall have access to such examination papers. ()

05. Inspection Review. ()

a. Within thirty (30) days after the date notice of the results of the examination has been mailed to him/her, an applicant who was unsuccessful in the examination may petition the Board for a review of his/her examination papers. ()

b. The petition for review shall be made in writing stating the reason for such review and citing the item or items against which the request is directed. ()

c. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. ()

06. Retention of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. ()

301. -- 399. (RESERVED)

400. TEMPORARY PERMIT.

01. Eligibility. ()

a. Any one (1) or more of the following shall be considered as minimum evidence that the applicant is qualified to hold a temporary permit: ()

i. Hold a Certificate of Merit Reporter (RMR) issued by the National Court Reporters Association (NCRA); ()

ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporters Association (NCRA); ()

iii. Hold a Certified Shorthand Reporter certificate, or its equivalent, in good standing from another state; ()

iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; ()

v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state.

- ()
- b.** The applicant must have a high school diploma or equivalent. ()
- 02. Permit.** All temporary permits shall be issued for a period of one (1) year and may be renewable for a single additional year if, before the permit expires, the permit holder: ()
- a.** Submits a written renewal request to the Board; ()
- b.** Establishes that they have passed at least one (1) skills segment of the Idaho Certified Shorthand Reporter Examination, the Registered Professional Reporter Examination (RPR), or the Registered Merit Reporter Examination (RMR); and ()
- c.** Pays the required fees as set forth in this Chapter. ()

401. -- 499. (RESERVED)

500. DISCIPLINARY PENALTY.

Costs and fees. The Board may order anyone licensed under Title 54, Chapter 31, Idaho Code, who is found by the Board to be in violation of the provisions of Title 54, Chapter 31, Idaho Code, to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee. ()

501. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Rob McQuade **Phone:** 208-334-3233

Date: August 19, 2020

IDAPA, Chapter and Title Number and Chapter Name:

[24.29.01, Rules of the Idaho Certified Shorthand Reporters Board](#)

Fee Rule Status: X **Proposed** _____ **Temporary**

Rulemaking Docket Number: 24-2901-2000F

STATEMENT OF ECONOMIC IMPACT: The fees are unchanged from the previous year's temporary fee rule.

Fee Type	Amount (Not to Exceed)
Application	\$50.00
Examination	\$50.00
Renewal	\$75.00
Examinational preparation materials	\$20.00