

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
Bureau of Occupational Licenses - Idaho Certified Shorthand Reporters Board:
IDAPA 24.29.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 24-2901-1900F).

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 08/14/2019. 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 09/12/2019.

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: July 26, 2019

SUBJECT: Bureau of Occupational Licenses - Idaho Certified Shorthand Reporters Board

IDAPA 24.29.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-2901-1900F)

The Bureau of Occupational Licenses has submitted temporary and proposed rules that reauthorize and republish the following previously approved chapters 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 their initial promulgation. **However, changes from the previously approved rules are noted as follows:**

This chapter of rules was previously IDAPA 49.01.01 but has now been moved under the administration of the Bureau and redesignated. Also, four sections of the previous rules are being allowed to expire because they are unnecessary or redundant.

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: Bureau of Occupational Licenses - Idaho Certified Shorthand Reporters Board
Kelley Packer

***** 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 – BUREAU OF OCCUPATIONAL LICENSES

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

DOCKET NO. 24-2901-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-3107, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment 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 its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 49.01.01, which are re-designated as IDAPA 24.29.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board:

IDAPA 24

- 24.29.01, *Rules of Procedure of the Idaho Certified Shorthand Reporters Board*—all rules *except Sections 008, 010, 101, and 150.*

This chapter was formerly designated as *IDAPA 49.01.01*. It has been moved under the administration of the Bureau of Occupational Licenses and is hereby re-designated *IDAPA 24.29.01*.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications and criteria for shorthand reporters in Idaho. Allowing these rules to expire would harm recent efforts made to reduce barriers to entry into the profession and would adversely effect the Board's ability to admit new licensees, harming the welfare of prospective licensees and the industries the Board serves.

The fee or charge imposed by the rule is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the Certified Shorthand Reporters Board would not be able to remain self-sufficient, contrary to its statutory mandate.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or

charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Section 54-3110, Idaho Code, as follows: application fee: \$50; examination fee: \$50; annual renewal fee: \$75; and 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 FY2020 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 of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and 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 temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and 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 19th day of June, 2019.

Kelley Packer, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**IDAPA 24
TITLE 29
CHAPTER 01**

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

000. LEGAL AUTHORITY (RULE 000).

These rules are adopted under the authority of Section 54-3107, Idaho Code. (5-8-09)

001. TITLE AND SCOPE (RULE 001).

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. (1-1-97)

002. WRITTEN INTERPRETATIONS (RULE 002).

Written interpretations, if any, of this chapter are available for review at the board office. (4-6-05)

003. ADMINISTRATIVE APPEALS (RULE 003).

Administrative appeals will be governed by the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (4-6-05)

004. INCORPORATION BY REFERENCE (RULE 004).

No documents are incorporated by reference in these rules. (4-6-05)

005. OFFICE INFORMATION (RULE 005).

The office of the Idaho Certified Shorthand Reporters Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the office is (208) 334-3233. The fax number of the office is (208) 334-3945. The email address of the Board is sre@ibol.idaho.gov. The Board’s official website is www.ibol.idaho.gov. (5-8-09)

006. PUBLIC RECORDS ACT COMPLIANCE (RULE 006).

These rules are subject to and in compliance with the Idaho Public Records Act. (4-6-05)

007. FILING OF DOCUMENTS (RULE 007).

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case must be filed with the Executive Secretary of the Board. One (1) original is sufficient for submission to the hearing officer, with one (1) copy for the Board and one (1) copy submitted to the opposing party. Whenever documents are filed by facsimile transmission (FAX), originals are to be deposited in the mail the same day or hand delivered the following business day to the hearing officer or the Board, and opposing parties. (4-6-05)

008. -- 099. (RESERVED)

100. BOARD MEETINGS (RULE 100).

The Board will meet at least once a year. In addition to this annual meeting, the chairman may call special meetings from time to time when it is deemed necessary, or upon request of two (2) or more members of the Board. (4-9-09)

101. COMMITTEES (RULE 101).

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. (4-9-09)

01. Quorum. A quorum is at least three (3) members of the Board legally holding office at the time of meeting. The board chairman will not vote except to break a tie. (4-9-09)

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. A new certificate may be issued by the Board to replace one lost, destroyed, or mutilated upon receipt of a replacement fee of ten dollars (\$10). Each certificate shall bear an individual number as assigned to that particular C.S.R. by the Board. (4-9-09)

102. -- 124. (RESERVED)

125. FEES (RULE 125).

Fees are established in accordance with Section 54-3110, Idaho Code as follows: (4-9-09)

01. Application Fee. Application Fee (Certificate/Temporary Permit) -- Fifty dollars (\$50). (4-9-09)

02. Examination Fee. Examination-Reexamination Fee -- Fifty dollars (\$50). (4-9-09)

03. Annual Renewal Fee. Renewal Fee (Certificate/Temporary Permit) -- Seventy-Five dollars (\$75). (4-9-09)

04. Reinstatement Fee. Reinstatement fee is as provided in Section 67-2614, Idaho Code. (3-24-16)

05. Examination Preparation Materials. Examination Preparation Materials -- Twenty dollars (\$20) (4-9-09)

06. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application, examination or reinstatement of a license. (4-9-09)

126. -- 199. (RESERVED)

200. APPLICATION PROCEDURES (RULE 200).

Applications for registration shall be. (7-1-93)

01. Prescribed Forms. Filed on a form or forms prescribed by the Board. (1-1-97)

02. Filing Location. Filed at the Boise office of the Board, accompanied by the required application fee. (1-1-97)

03. Filing Deadline. Received by the Board, not less than thirty (30) days prior to the date of examination. (1-1-97)

04. Incomplete Application. An application which is not fully completed by the applicant need not be considered or acted upon by the Board and shall be returned to the applicant with a statement of the reason for return. (4-9-09)

05. Lack of Activity. Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for twelve (12) consecutive months shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. (4-9-09)

201. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE (RULE 201).

An applicant or licensee who has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or crime involving moral turpitude must submit with their application a written statement and any supplemental information establishing their current suitability for licensure. (4-11-19)

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: (4-11-19)

a. The severity or nature of the crime; (4-11-19)

- b. The period of time that has passed since the crime under review; (4-11-19)
 - c. The number or pattern of crimes; (4-11-19)
 - d. The circumstances surrounding the crime that would help determine the risk of repetition; (4-11-19)
 - e. The relationship of the crime or discipline to the practice of shorthand reporting; (4-11-19)
 - 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 (4-11-19)
 - g. Any other information regarding rehabilitation or mitigating circumstances. (4-11-19)
- 02. Interview.** The Board may, at its discretion, grant an interview of the applicant. (4-11-19)
- 03. Applicant Bears the Burden.** The applicant shall bear the burden of establishing his current suitability for licensure. (4-11-19)

202. -- 299. (RESERVED)

300. EXAMINATIONS (RULE 300).

- 01. Examination Process.** (4-6-05)
- a. Late applicants shall not be admitted to the examination room. (1-1-97)
 - b. Picture identification shall be shown by all applicants before taking an examination. (4-6-05)
 - 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. (1-1-97)
 - d. Only scheduled examinees, Board members, and authorized personnel shall be admitted to the examination room. (4-9-09)
- 02. Scope of Examination.** (7-1-93)
- 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. (4-11-15)
 - i. Question and Answer -- Five (5) minutes at two hundred twenty-five (225) words per minute. (4-11-15)
 - ii. Jury Charge -- Five (5) minutes at two hundred (200) words per minute. (4-11-15)
 - iii. Literary -- Five (5) minutes at one hundred eighty (180) words per minute. (4-11-15)
 - iv. Density of Exam -- The syllabic content of the dictated exam shall be one point four (1.4). (7-1-93)
 - b. The examination is the same for all applicants. (7-1-93)
 - c. The examining committee, which shall consist of the three C.S.R. Board members, shall inform applicants of the approximate time allowed for typing the skills portion of the examination. (1-1-97)

d. The written examination and the three (3) skills segments can be passed individually for the Idaho examination. (4-11-15)

03. Grading. (7-1-93)

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. (4-11-15)

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. (1-1-97)

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. (4-11-15)

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. (1-1-97)

04. Inspection of Examination. (7-1-93)

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. (1-1-97)

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. (1-1-97)

05. Inspection Review. (7-1-93)

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. (1-1-97)

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. (7-1-93)

c. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. (1-1-97)

06. Retention of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (1-1-97)

301. -- 399. (RESERVED)

400. TEMPORARY PERMIT (RULE 400).

01. Eligibility. (7-1-93)

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: (4-11-15)

i. Hold a Certificate of Merit Reporter (RMR) issued by the National Court Reporters Association (NCRA); (3-14-11)

- ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporters Association (NCRA); (3-14-11)
- iii. Hold a Certified Shorthand Reporter certificate, or its equivalent, in good standing from another state; (4-11-15)
- iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; (7-1-93)
- v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state. (1-1-97)
- b.** The applicant shall in addition: (7-1-93)
 - i. Have graduated from an accredited high school, or have had an equivalent education. (7-1-93)
 - ii. Be of good moral character, and have filed a complete application with the Board, accompanied by the required fees, as set forth in these rules. (4-9-09)
- 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: (4-11-15)
 - a.** Submits a written renewal request to the Board; (3-14-11)
 - 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 (4-11-15)
 - c.** Pays the required fees as set forth in this Chapter. (3-14-11)

401. -- 499. (RESERVED)

500. DISCIPLINARY PENALTY (RULE 500).

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. (4-9-09)

501. -- 999. (RESERVED)