

Dear Senators COOK, Ward-Engelking, Lakey, and
Representatives CLOW, Crane, Berch:

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 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board (ZBR
Chapter Rewrite) - Proposed Rule (Docket No. 24-2901-2401).

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 08/28/2024. 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 09/25/2024.

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.



Terri Kondoff
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: August 12, 2024

SUBJECT: Division of Occupational and Professional Licenses - Idaho Certified Shorthand Reporters Board

IDAPA 24.29.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 24-2901-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits notice of proposed rulemaking at IDAPA 24.29.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board (ZBR Chapter Rewrite). According to the Division, they are rewriting the rules for shorthand reporters as part of the Governor's Zero-Based Regulation executive order, and the proposed rule is intended to streamline and simplify the rule language. The most prominent change to the rules for shorthand reporters is the elimination of an examination requirement for applicants.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted, and notice was published in the April edition of the Idaho Administrative Bulletin. There is no anticipated fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Division in Sections 54-3107 and 67-2604, Idaho Code. However, Section 54-3108, Idaho Code, requires applicants to "take and pass the Idaho certified shorthand reporter examination."

cc: Division of Occupational and Professional Licenses - Idaho Certified Shorthand Reporters Board
Krissy Veseth

*** 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.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

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

DOCKET NO. 24-2901-2401 (ZBR CHAPTER REWRITE)

NOTICE OF 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. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and 54-3101 through 54-3118, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

<p style="text-align: center;">24.29.01 – Rules of the Idaho Certified Shorthand Reporters Board</p> <hr/> <p style="text-align: center;">Tuesday, August 13, 2024 – 9 a.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714</p> <p style="text-align: center;">Virtual Meeting Link</p> <p>Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.</p>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Certified Shorthand Reporters Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.43](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2901-2401
(ZBR Chapter Rewrite)

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. (3-28-23)

001. SCOPE.

These rules govern the practice of shorthand reporting in Idaho. (3-28-23)

002. -- ~~124~~099. (RESERVED)

100. LICENSURE.

01. Written Statement of Suitability for Licensure or Permit. An applicant or licensee who has a conviction, finding of guilt, withheld judgement, 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. ()

02. Registered Professional Reporter. An endorsement applicant who holds a Registered Professional Reporter certificate from The Association for Court Reporters and Captioners will be deemed to have met the endorsement requirements set forth in Section 54-3109A(1), Idaho Code. ()

~~125. FEES.~~

~~All fees are non-refundable.~~

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

(3-28-23)

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. (3-28-23)

01. Consideration of Factors and Evidence. The Board shall consider the factors set forth in Section 67-9411, Idaho Code. (3-28-23)

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing his current suitability for licensure. (3-28-23)

202.—299. (RESERVED)

300. EXAMINATIONS.

01. Examination Process. (3-28-23)

a. Late applicants shall not be admitted to the examination room. (3-28-23)

b. Picture identification shall be shown by all applicants before taking an examination. (3-28-23)

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. (3-28-23)

d. Only scheduled examinees, Board members, and authorized personnel shall be admitted to the examination room. (3-28-23)

02. Scope of Examination. (3-28-23)

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. (3-28-23)

i. Question and Answer — Five (5) minutes at two hundred twenty-five (225) words per minute. (3-28-23)

ii. Jury Charge — Five (5) minutes at two hundred (200) words per minute. (3-28-23)

iii. Literary — Five (5) minutes at one hundred eighty (180) words per minute. (3-28-23)

- ~~iv. Density of Exam — The syllabic content of the dictated exam shall be one point four (1.4). (3-28-23)~~
- ~~b. The examination is the same for all applicants. (3-28-23)~~
- ~~e. 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. (3-28-23)~~
- ~~d. The written examination and the three (3) skills segments can be passed individually for the Idaho examination. (3-28-23)~~
- ~~03. Grading. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~e. 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. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~04. Inspection of Examination. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~05. Inspection Review. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~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. (3-28-23)~~
- ~~e. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. (3-28-23)~~
- ~~06. Retention of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (3-28-23)~~
- ~~301.—399. (RESERVED)~~
- ~~400. TEMPORARY PERMIT.~~

- ~~01. Eligibility. (3-28-23)~~
- ~~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: (3-28-23)~~
- ~~i. Hold a Certificate of Merit Reporter (RMR) issued by the National Court Reporters Association (NCRA); (3-28-23)~~
- ~~ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporters Association (NCRA); (3-28-23)~~
- ~~iii. Hold a Certified Shorthand Reporter certificate, or its equivalent, in good standing from another state; (3-28-23)~~
- ~~iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; (3-28-23)~~
- ~~v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state. (3-28-23)~~
- ~~b. The applicant must have a high school diploma or equivalent. (3-28-23)~~
- ~~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: (3-28-23)~~
- ~~a. Submits a written renewal request to the Board; (3-28-23)~~
- ~~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 (3-28-23)~~
- ~~e. Pays the required fees as set forth in this Chapter. (3-28-23)~~

~~401101. -- 499299. (RESERVED)~~

~~500300. DISCIPLINARY PENALTYE.~~

~~01. 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. (3-28-23)()~~

~~301. -- 399. (RESERVED)~~

~~400. FEES. All fees are non-refundable. ()~~

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Renewal	\$75

~~501401. -- 999. (RESERVED)~~