



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

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

FROM: Ryan Bush - Principal Legislative Drafting Attorney

DATE: April 22, 2020

SUBJECT: Temporary Rule

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

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Ryan Bush at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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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. 24-2901-2000F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rules being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-3107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking adopts the following chapter under IDAPA 24.9.01:

IDAPA 24.29

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

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 temporary 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.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fees or charges being imposed or increased are justified and necessary to avoid immediate danger and the fees are described herein:

The fees or charges, authorized in Section 54-3110, Idaho Code, are part of the agency's 2021 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

	Initial License	Renewal	Late Fee	Other
Broker	\$160	\$160	\$25	
Salesperson	\$160	\$160	\$25	
Business Entity	\$50	\$50	\$25	
Branch Office	\$50	\$50	\$25	
Cooperative License	\$100			
Education or License History				\$10

	Initial License	Renewal	Late Fee	Other
License Certificate				\$15

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

DATED this February 21, 2020.

Kelley Packer
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**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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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

(3-20-20)T

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. (3-20-20)T

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: (3-20-20)T

- a. The severity or nature of the crime; (3-20-20)T
- b. The period of time that has passed since the crime under review; (3-20-20)T
- c. The number or pattern of crimes; (3-20-20)T
- d. The circumstances surrounding the crime that would help determine the risk of repetition; (3-20-20)T
- e. The relationship of the crime or discipline to the practice of shorthand reporting; (3-20-20)T
- 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 (3-20-20)T

g. Any other information regarding rehabilitation or mitigating circumstances. (3-20-20)T

02. Interview. The Board may, at its discretion, grant an interview of the applicant. (3-20-20)T

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing his current suitability for licensure. (3-20-20)T

202. -- 299. (RESERVED)

300. EXAMINATIONS.

01. Examination Process. (3-20-20)T

a. Late applicants shall not be admitted to the examination room. (3-20-20)T

b. Picture identification shall be shown by all applicants before taking an examination. (3-20-20)T

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. (3-20-20)T

d. Only scheduled examinees, Board members, and authorized personnel shall be admitted to the examination room. (3-20-20)T

02. Scope of Examination. (3-20-20)T

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. (3-20-20)T

i. Question and Answer -- Five (5) minutes at two hundred twenty-five (225) words per minute. (3-20-20)T

ii. Jury Charge -- Five (5) minutes at two hundred (200) words per minute. (3-20-20)T

iii. Literary -- Five (5) minutes at one hundred eighty (180) words per minute. (3-20-20)T

iv. Density of Exam -- The syllabic content of the dictated exam shall be one point four (1.4). (3-20-20)T

b. The examination is the same for all applicants. (3-20-20)T

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. (3-20-20)T

d. The written examination and the three (3) skills segments can be passed individually for the Idaho examination. (3-20-20)T

03. Grading. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

04. Inspection of Examination. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

05. Inspection Review. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

c. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. (3-20-20)T

06. Retention of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (3-20-20)T

301. -- 399. (RESERVED)

400. TEMPORARY PERMIT.

01. Eligibility. (3-20-20)T

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: (3-20-20)T

i. Hold a Certificate of Merit Reporter (RMR) issued by the National Court Reporters Association (NCRA); (3-20-20)T

ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporters Association (NCRA); (3-20-20)T

iii. Hold a Certified Shorthand Reporter certificate, or its equivalent, in good standing from another state; (3-20-20)T

iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; (3-20-20)T

v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state. (3-20-20)T

b. The applicant must have a high school diploma or equivalent. (3-20-20)T

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: (3-20-20)T

a. Submits a written renewal request to the Board; (3-20-20)T

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 (3-20-20)T

c. Pays the required fees as set forth in this Chapter. (3-20-20)T

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. (3-20-20)T

501. -- 999. (RESERVED)