



STATE OF NEVADA CERTIFIED COURT REPORTERS BOARD

5135 Camino Al Norte, Suite 270 North Las Vegas, Nevada 89031

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Board Members:

PEGGY ELIAS – Chairperson

Court Reporter Member

HEIDI KONSTEN – Vice Chairperson

Court Reporter Member

WILLIAM LABORDE – Board Member

Court Reporter Member

LISA McGRANE – Board Member

Public Member

KEVIN DIAMOND – Board Member

Attorney Member

Notice of Workshop to Solicit Comments on Proposed Permanent Regulations

The State of Nevada Certified Court Reporters Board is proposing the amendments of permanent regulations pertaining to chapter 656 of the Nevada Administrative Code. The workshop is set for:

Wednesday, August 23, 2023 @ 5:30pm

This workshop will be a virtual meeting conducted through Zoom.

*Continuing education credit will **NOT** be offered at this meeting.*

Join Zoom Meeting:

<https://us02web.zoom.us/j/88013640703?pwd=OGN2dEFqMGltQnZnbHovTVZscm1MZz09>

Meeting ID: 880 1364 0703

Passcode: 461313

Or, call in:

1-719-359-4580

Meeting ID: 880 1364 0703

Passcode: 461313

A copy of all materials relating to the proposed language and the agency's small business impact statement is attached. Additional copies may be requested by contacting our office.

Debbie Uehara - Executive Secretary

State of Nevada Certified Court Reporters Board

5135 Camino Al Norte, Suite 270 North Las Vegas, Nevada 89031

Tel: 702-489-8787 Email: NVCCRB@gmail.com

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

State of Nevada Certified Court Reporters Board
5135 Camino Al Norte, Suite 270
North Las Vegas, Nevada 89031

Board's Website:
Website: www.crptr.nv.gov

Nevada Public Notice
Website: <https://notice.nv.gov>

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The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

1. Workshop called to order.

Speaker: William LaBorde – Legislative Regulations Committee Chairman

2. Public Comments.

Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair may allow additional time to be given to a speaker as time allows and at their sole discretion. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020). Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

3. To solicit comments for proposed permanent regulations relating to the practice of court reporting identified as LCB File No. R078-22.

- Provide clarification regarding the examination of a designated representative of a court reporting firm:
 1. Provides a deadline for the submission of an application.
 2. Establishes certain requirements for the contents of such an application.
 3. Prescribes the manner in which the Board will inform an applicant of their application.
 4. Requires the refunding of the examination fee or its application to a future examination under certain circumstances.
 5. Revises the deadline and manner by which the Board certifies the examination results.

Speaker: William LaBorde – Legislative Regulations Committee Chairman

4. To solicit comments for proposed permanent regulations relating to the practice of court reporting identified as LCB File No. R193-22.

- A regulation requiring a court reporting firm to sever itself from a designated representative of the firm under certain circumstances:
 1. Requiring court reporters and firms to contemporaneously offer or provide services or products to each party to a proceeding or to the attorney of each party.
 2. Requiring court reporters and firms to provide certain transcripts and recordings of such transcripts to third-party requestors under certain circumstances.
 3. Authorizing the Board to consider and admit into evidence certain mitigating and aggravating circumstances in disciplinary proceedings.
 4. Making various changes relating to the provision of transcripts to parties.
 5. Requiring each court reporter and designated representative of a court reporting firm to complete at least 15 continuing education credits every 2 years and making other changes relating to continuing education.

Speaker: William LaBorde – Legislative Regulations Committee Chairman

5. Public comments.

Adjournment

Date Posted: In accordance with NRS Chapter 241, this notice was posted on August 8, 2023

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608/233B.0609**

LCB File No. R078-22

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The Board and the Legislative Regulations Committee members discussed and crafted the language that ultimately became R078-22 at the following meetings:

- February 3, 2022 Legislative Regulation Committee Meeting
- April 19, 2022 Open Meeting
- October 5, 2022 Open Meeting
- March 1, 2023 Open Meeting

A copy of the agenda and the proposed language was sent to each court reporter and court reporting firm registered with our Board, inviting their attendance and comments. At each meeting, no attendee in any of the discussions presented any evidence or argument that the proposed language would have a positive or negative impact on small businesses.

- 2. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small business.**

The Board reviewed and discussed the proposed language at four separate public meetings. The Board did not receive any verbal or written comments from the public that would reflect any positive or negative impact the proposed regulations would have on small businesses. The Board surmised that the proposed regulations would have no negative impact on small businesses.

- 3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

- (a) Both adverse and beneficial effects; and**
- (b) Both direct and indirect effects.**

The proposed regulations will have neither adverse or beneficial effects, either direct or indirect.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Board did not identify any potential effects of the proposed regulations on small businesses and no verbal or written comments were submitted by the licensees; consideration of methods to reduce such impact was not necessary.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

The Board determined there will be no additional costs associated with the proposed language.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No new or increase of fees with the proposed regulation.

- 7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The proposed language does not duplicate and is not more stringent than any federal, state, or local standards regulating court reporting.

- 8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The Board is confident the proposed language will not have an impact on small businesses and did not identify any potential economic effects during its deliberations.

I hereby certify to the best of my knowledge or belief a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared and the information contained herein is accurate.



Debbie Uehara – Executive Secretary
State of Nevada Certified Court Reporters Board

**PROPOSED REGULATION OF THE CERTIFIED COURT
REPORTERS' BOARD OF NEVADA**

LCB File No. R078-22

September 1, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 656.130, 656.186 and 656.220; § 2, NRS 656.130 and 656.186.

A REGULATION relating to court reporting; revising the provisions governing the application process for the examination administered by the Certified Court Reporters' Board of Nevada for a designated representative of a court reporting firm; revising the procedure for certifying and providing notice of the results of that examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Certified Court Reporters' Board of Nevada to adopt necessary regulations to carry out certain statutory duties. (NRS 656.130, 656.186) Existing law requires a court reporting firm to appoint a natural person affiliated with the firm to act as the designated representative for the firm. The designated representative must: (1) hold a certified court reporter's certificate issued by the Board; or (2) pass an examination administered by the Board. (NRS 656.186) **Section 1** of this regulation: (1) provides for a deadline for the submission of an application for such an examination; (2) establishes certain requirements for the contents of such an application; (3) prescribes the manner in which the Board will inform an applicant of the approval or rejection of his or her application; and (4) requires the refunding of the examination fee or its application to a future examination under certain circumstances. **Section 2** of this regulation revises the deadline and manner by which the Board certifies the results of an examination and notifies applicants of those results. The procedures set forth in this regulation are modeled on the procedures in existing regulation used by the Board for an application for a court reporter's certificate. (NAC 656.100, 656.150)

Section 1. NAC 656.261 is hereby amended to read as follows:

656.261 1. Before a person who is not a certified court reporter may serve as a designated representative of a court reporting firm, the person must pass an examination administered by the Board ~~[]~~ *pursuant to NRS 656.186.*

2. The Executive Secretary of the Board shall prepare a schedule for the administration of examinations to applicants to become a designated representative of a court reporting firm.

3. The fee for an examination is \$250.

4. The Board will consider applications for the immediately succeeding examination administered by the Board pursuant to NRS 656.186. The Executive Secretary of the Board shall establish a deadline for the submission of applications that is at least 30 days before the examination is administered. If an application is postmarked after the deadline, the Executive Secretary of the Board shall return the application to the applicant and the applicant is ineligible to take the examination.

5. An application must be submitted to the Board in its original form.

6. All questions on the application must be completed. If an application is incomplete, the Executive Secretary of the Board shall return the application to the applicant. An applicant whose application is returned because it is incomplete may resubmit his or her application if the application that is resubmitted is postmarked on or before the date of the deadline.

7. An application must include a photocopy of a photo identification of the applicant.

8. An application must be signed by the applicant under penalty of perjury and include an acknowledgment by the applicant that a misrepresentation or omission in the application may constitute a ground, pursuant to NRS 656.240, for denial, suspension or revocation of the license of the firm for which the applicant is the designated representative. The signature of the applicant attests to the accuracy of all information provided by the applicant, including, without limitation, the information contained in the application and all other evidence and information accompanying the application.

9. If the Board rejects an application, the Executive Secretary of the Board shall mail to the applicant a letter that explains the reason for the rejection.

10. If the Board approves an application, the Executive Secretary of the Board shall mail to the applicant a letter of admission to the examination.

11. An applicant may cancel his or her submission of an application and request a refund of the examination fee by submitting a written request to the Board on or before the deadline for submission of applications established by the Executive Secretary of the Board pursuant to subsection 4. If the request is submitted on or before the deadline for submission of applications, the Executive Secretary of the Board shall cancel the applicant's application and refund the examination fee to the applicant. The Executive Secretary of the Board shall not refund an examination fee if the request for a refund is submitted after the deadline for submission of applications.

12. An applicant may cancel his or her submission of an application and request that the Board apply the applicant's examination fee to the immediately succeeding examination by submitting a written request to the Board after the deadline for submission of applications established by the Executive Secretary of the Board pursuant to subsection 4, but before the date of the examination. If the request is submitted after the deadline for submission of applications, but before the date of the examination, the Executive Secretary of the Board shall cancel the application of the applicant and apply the applicant's examination fee to the immediately succeeding examination.

13. An applicant who is unable to take the examination because of an emergency may submit a written request to the Board not later than 15 days after the date of the examination requesting that the Board apply the applicant's examination fee to the immediately succeeding

examination. The request must include documented proof of the emergency. If the Board grants the applicant's request, the Executive Secretary of the Board shall apply the examination fee of the applicant to the immediately succeeding examination.

14. As used in this section, "emergency" means a sudden or unforeseen circumstance that makes it impractical or impossible for the applicant to take the examination and includes, without limitation, an illness or injury to the applicant or an injury to or the illness or death of a family member of the applicant.

Sec. 2. NAC 656.265 is hereby amended to read as follows:

656.265 1. Each examination administered pursuant to NAC 656.261 will consist of 125 multiple-choice questions that test the knowledge of the applicant in:

- (a) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;
- (b) Technical advances in the practice of court reporting;
- (c) Ethics and professionalism in the practice of court reporting;
- (d) Management of the business and economics of court reporting; and
- (e) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.

2. Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.

3. Not ~~[later]~~ *more* than ~~[7-days]~~ *8 weeks* after *the administration of* an examination, the Board will ~~[mail the results of the examination to each applicant.]~~, *at a public meeting held for that purpose, certify the score of each applicant who took the examination. As soon as practicable after conducting the public meeting, the Board will provide official written notice*

to each applicant of the results of the examination of the applicant. The results of an examination must not be given to an applicant by telephone.

4. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.

~~[4.]~~ 5. An applicant may not take more than four examinations during any period of 12 consecutive months. To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the fee required pursuant to NAC 656.261.