

Dear Senators PATRICK, Guthrie, Ward-Engelking, and
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - Real Estate Appraiser Board:

IDAPA 24.18.01 - Rules of the Real Estate Appraiser Board (Fee Rule) - Proposed Rule (Docket
No. 24-1801-1802).

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 11/01/2018. 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 12/03/2018.

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: Legislative Research Analyst - Matt Drake

DATE: October 15, 2018

SUBJECT: Bureau of Occupational Licenses - Real Estate Appraiser Board

IDAPA 24.18.01 - Rules of the Real Estate Appraiser Board (Fee Rule) - Proposed Rule (Docket No. 24-1801-1802)

Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of a fee rule at IDAPA 24.18.01 - Rules of the Real Estate Appraiser Board. The Bureau states that the reason for the proposed change is to reduce licensing fees. The Real Estate Appraiser Board operates on dedicated funds derived primarily from licensing and registration fees. As the Board has accumulated a balance in excess of 100-150% of its annual budget, the proposed rule lowers fees in order to leave more money in the hands of licensees. Under section 150 of the proposed rule, the application fee will be reduced from \$250 to \$200, the original license fee will be reduced from \$140 to \$100, and the license renewal fee will be reduced from \$365 to \$275 for certified general appraisers, certified residential appraisers, and licensed general appraisers. Section 150 will also reduce the registration fee for Appraisal Management Companies (AMCs) from \$1,200 to \$1,000 and reduce the AMC renewal fee from \$1,200 to \$900. In addition, the temporary permit fee will be reduced from \$100 to \$75.

Negotiated Rulemaking / Fiscal Impact

The Bureau states that negotiated rulemaking was not conducted because the proposed changes to these rules were discussed in noticed, open meetings. There is no fiscal impact on the general fund. The Bureau estimates that the impact on the Bureau of Occupational Licenses' dedicated fund will be a reduction of approximately \$98,030.00 per year.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 54-4106, 54-4113, 54-4124, and 54-4132, Idaho Code.

cc: Bureau of Occupational Licenses - Real Estate Appraiser Board
Tana Cory

*** PLEASE NOTE ***

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Per the Idaho Constitution, all administrative rules must 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

24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-1802 (FEE RULE)

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. The action is authorized pursuant to Sections 54-4106, 54-4113, 54-4124, and 54-4132, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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

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

The Real Estate Appraiser Board operates on dedicated funds derived primarily from licensing and registration fees. It is recommended that boards maintain a balance equivalent to 100-150% of their annual budget. The Board's balance exceeds that amount. Accordingly, the proposed rule lowers fees and leaves more money in the hands of licensees.

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

Section 150 will reduce the application fee from \$250 to \$200, original license fee from \$140 to \$100, and license renewal fee from \$365 to \$275 for certified general appraisers, certified residential appraisers, and licensed general appraisers. Section 150 will also reduce the registration fee for Appraisal Management Companies (AMCs) from \$1,200 to \$1,000, and reduce the AMC renewal fee from \$1,200 to \$900. In addition, the temporary permit fee will be reduced from \$100 to \$75.

The proposed rule will have no impact on the General Fund. The estimated impact on the Bureau of Occupational Licenses' dedicated fund will be a reduction of approximately \$98,030.00 per year.

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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

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

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

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 October 24, 2018.

Dated this 29th day of August, 2018.

Tana Cory, 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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1801-1802
(Only Those Sections With Amendments Are Shown.)

150. FEES (RULE 150).

Fees are established in accord with Sections 54-4113, 54-4124 and 54-4134, Idaho Code, as follows: (3-24-17)

01. **Application.** Application fee for License and Registration – two hundred ~~fifty~~ dollars (\$~~250~~0).
(3-24-17)()
02. **Original License.** Original License – one hundred ~~forty~~ dollars (\$~~140~~0)*. (3-24-17)()
03. **Original AMC Registration.** Original Registration – One thousand ~~two hundred~~ dollars (\$~~1,200~~0)**.
(3-24-17)()
04. **License Renewal.** License renewal – ~~three~~ two hundred ~~sixty~~ seventy-five dollars (\$~~362~~75)*.
(3-21-12)()
05. **AMC Registration Renewal.** Registration renewal – ~~One thousand two~~ nine hundred dollars (\$~~1,200~~0)**.
(3-24-17)()
06. **Reinstatement.** Reinstatement fee is as provided in Section 67-2614, Idaho Code. (3-24-16)
07. **Application for Reciprocity.** Application for reciprocity – two hundred ~~fifty~~ dollars (\$~~250~~0)*.
(3-30-01)()
08. **Original License Via Reciprocity.** Original License via reciprocity – one hundred dollars (\$100)*.
(3-21-12)
09. **Temporary Permit.** Temporary permit – ~~one hundred~~ seventy-five dollars (\$~~100~~75).
(7-1-93)()
10. **Trainee Registration Fee.** Trainee registration fee – fifty dollars (\$50). (3-13-02)
11. **Examination and Reexamination Fees.** Examination and Reexamination fees will be calculated based on the actual cost of the examination. Successful applicants will be notified of the fees at the time they are scheduled for examination. (7-1-97)
12. **Continuing Education Provider Application Fee.** Continuing Education Provider Application fee - one hundred dollars (\$100). (3-21-12)
13. **Fees are Non-Refundable.** Fees are non-refundable. (7-1-93)
14. **Fees Followed By One Asterisk (*) Means.** Proposed fees for these categories marked with an asterisk (*) include forty dollars (\$40) to be submitted by the state to the federal government. Title XI, Section 1109 of the FIRREA as amended requires each state to submit a roster listing of state licensed appraisers to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council “no less than annually.” The state is also required to collect from such individuals who perform appraisals in federally related transactions an annual registry fee of “not more than eighty-five dollars (\$85),” such fees to be transmitted by the state to the federal government on an annual basis. This fee is subject to change by the Appraisal Subcommittee. (3-21-12)
15. **Fees Followed By Two Asterisks (**)** Means. The fees for the categories marked with two (2) asterisks (**) do not include additional fees assessed pursuant to Title XI, Section 1109 of the FIRREA, as amended, including, but not limited to, an AMC registry fee, such fees to be collected from AMCs by the state and transmitted to the federal government on an annual basis. (3-22-18)

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: Idaho Bureau of Occupational Licenses

Agency Contact: Tana Cory **Phone:** (208) 334-3233

Date: August 29, 2018

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 24.18.01 Rules of the Real Estate Appraiser Board

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: 24-1801-1802

STATEMENT OF ECONOMIC IMPACT:

The proposed rule will have no impact on the General Fund. The estimated impact on the Bureau of Occupational Licenses' dedicated fund will be a reduction of approximately \$98,030.00 per year.