



FILED

2002 SEP 17 A 10: 35

**WEST VIRGINIA LEGISLATURE**  
**Legislative Rule-Making Review Committee**

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

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September 16, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Sharron Knotts  
Real Estate Appraiser Licensing and Certification Board  
2110 Kanawha Blvd. East  
Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Requirements for Licensure and Certification, 190CSR2**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

**SCANNED**

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Real Estate Appraiser Licensing and Certification Board

Subject: Requirements for Licensure and Certification, 190CSR2

PERTINENT DATES

Filed for public comment: June 24, 2002

Public comment period ended: July 17, 2002

Filed following public comment period: July 25, 2002

Filed LRMRC: July 25, 2002

Filed as emergency:

Fiscal Impact: \$24,000 revenue increase

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2002 AUG 20 A 9:47  
OFFICE OF THE SECRETARY OF STATE

ABSTRACT

The proposed rule amends a current legislative rule. It has been amended to increase each of the following fees by \$40: Licensed Residential; Certified Residential; Certified General and an Apprentice Permit. A copy of the Uniform Standards of Professional Appraisal Practice has been increased from \$15 to \$20. Finally, this rule adopts the 2003 edition of Uniform Standards of Professional Appraisal Practice.

AUTHORITY

Statutory authority: W.Va. Code, §30-38-9, which provides, in part, as follows:

- (a) The board may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to provide for:

(1) Licensure and certification requirements, including requirements for applications, examinations, reciprocity, temporary permits, apprentice permits and reinstatement;

(2) Fees for licenses, renewals of licenses and other services provided by the board;

(3) Experience, education and continuing education requirements and approval of courses; and

(4) Any other purpose to carry out the requirements of this article...

#### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

- V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

The Board received several written comments regarding the excessiveness of the increase in fees.

- VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

- VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

- VIII. OTHER

Counsel has technical modifications to suggest.