

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: WV Real Estate Appraiser Licensing & Certification Board

Subject: WV Real Estate Appraiser Licensing & Certification Board, 190CSR1

PERTINENT DATES

Filed for public comment: May 10, 1996
Public comment period ended: July 1, 1996
Filed following public comment period: July 31, 1996
Filed LRMRC: July 1, 1996
Filed as emergency:

Fiscal Impact: None

ABSTRACT

The proposed rule amends a current legislative rule. It redefines the term "licensee" to include certified real estate appraisers.

AUTHORITY

Statutory authority: W.Va. Code, §37-14-6, which provides, in part, as follows:

The board shall:

...(f) Hold meetings, hearings and examinations in places and at times as it shall designate;

...(h) Maintain an accurate registry of the names and addresses of all persons certified or issued a license to practice under this article;

(i) Maintain accurate records on applicants and licensed or certified real estate appraisers;

(j) Issue to each licensed or certified real estate appraiser a pocket card with the name and license or certification number on each in the size and form it may approve. The

license or certification pocket card shall remain the property of the state of West Virginia and, upon suspension or revocation of the license to practice pursuant to this article, shall be returned immediately to the commission;

...All rules shall be promulgated pursuant to the provisions of chapter twenty-nine-a of this code.

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?

Yes.

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 PROVISION OF THE CODE?

Yes

VIII. OTHER.

Counsel has technical modifications to suggest.