

Regulatory Analysis Form

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REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and
Occupational Affairs, State Board of Certified Real Estate
Appraisers

(2) I.D. Number (Governor's Office Use)

16A-7011

IRRC Number: 2153

(3) Short Title

Fees for Board Services

(4) PA Code Cite

49 Pa. Code §36.6

(5) Agency Contacts & Telephone Numbers

Primary Contact: Steven Wennberg, Board Counsel
783-7200

Secondary Contact: Joyce McKeever, Deputy Chief
Counsel, 783-7200

(6) Type of Rulemaking (check one)

☒ Proposed Rulemaking

☐ Final Order Adopting Regulation

☐ Final Order, Proposed Rulemaking

Omitted

(7) Is a 120-Day Emergency Certification
Attached?

☒ No

☐ Yes: By the Attorney General

☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation raises six fees (application for appraiser certification by examination, application for appraiser certification by reciprocity, application for certified Pennsylvania evaluator certification, application for temporary practice registration, verification of certification or registration status, certification of examination scores) and (Continued on p. 9)

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The Board has authority to establish fees for its operation under Sections 5(6) and 9 of the Real Estate Appraisers Certification Act (REACA), Act of July 10, 1990, P.L. 404, 63 P.S. §§457.5(6) and 457.9.

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Section 9 of the REACA requires the Board to establish fees by regulation.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Section 9 of the REACA requires the Board to ensure that the revenues it generates from fees are sufficient to meet its expenditures over a biennial period. The Board's general operating expenditures are funded by the general population of certificate holders through fees for initial certification and biennial renewal of certification. Expenditures related to services provided to individual certificate holders and applicants are defrayed through user fees based on actual costs of providing the services. By revising the user fees to more accurately reflect actual costs, the regulation ensures that the costs of providing individualized services are properly apportioned to those who use the services, rather than burdening the regulated community at large.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The principal risk associated with nonregulation is that support for the Board's activities among the general population of certificate holders could erode if they are required to subsidize services that yield no direct benefit to themselves or the appraising profession.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The general population of certificate holders will benefit from having the Board's actual costs of providing individualized services paid for by those who receive those services.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Board cannot identify any group that will be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Applicants for appraiser certification (whether by examination or by reciprocity), applicants for certified Pennsylvania evaluator certification, applicants for temporary practice registration, applicants for continuing education provider approval, and those seeking certification of examination scores or verification of certification or registration status will be required to pay the fees established by the regulation. The Board estimates that approximately 250 people during each fiscal biennium will pay the fees.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Because the regulation is based solely on the results of a Bureau-wide fiscal audit involving all 27 licensing boards and using a standardized methodology, the Board did not believe that input from the public or the regulated community at the drafting stage of the regulation would have been helpful to the rulemaking process.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The Board estimates that approximately 250 people during each fiscal biennium will pay the fees established by the regulation. The Board estimates that the total additional cost to the regulated community during each fiscal biennium will be approximately \$40,100.

The regulation will not impose new legal, accounting or consulting procedures.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The regulation will not result in costs or savings to local government.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The regulation will not result in costs or savings to state government. However, the Board estimates that the regulation will generate approximately \$40,100 in additional revenues during each fiscal biennium.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:	None	None	None	None	None	None
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	None	\$20,050	\$20,050	\$20,050	\$20,050	\$20,050
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	None	None	None	None	None	None
Regulated						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The cost estimates in are based upon the number of persons the Board projects will avail themselves of the specified services over a fiscal year (one-half of a fiscal biennium) multiplied by the additional cost to the fee-payers:

<u>Service</u>	<u>No. of Fee Payers</u>		<u>Additional Cost</u>		
a) Appraiser/CPE certification by examination	95	x	\$180	=	\$17,100
b) Appraiser certification by reciprocity	5	x	\$15	=	\$75
c) Temporary practice registration	37.5	x	\$5	=	\$187.50
d) Continuing education provider approval	12.5	x	\$85	=	\$1,062.50
e) Certification of examination scores	100	x	\$10	=	\$1,000
f) Verification of certification or registration status	125	x	\$5	=	\$625
Total:					\$20,050

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Appraiser Board	\$246,142.36	\$335,026.51	\$476,752.90 (est.)	\$413,000.00 (est.)

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The regulation ensures that the Board's actual costs of providing services to individual certificate holders and applicants are borne by the users of the services, not by the general population of certificate holders.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The Board did not consider a nonregulatory alternative. The REACA requires the Board to establish fees by regulation.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Because the regulation only amends an existing regulatory scheme, the Board did not consider an alternative regulatory scheme.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no federal standards applicable to fees charged by the Board.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The Board's fees compare favorably with the fees charged by the appraiser regulatory boards of neighboring states for the same or similar services. (None of the appraiser regulatory boards of neighboring states regulates the equivalent of the certified Pennsylvania evaluator.)

A list of the fees charged by the appraiser regulatory boards of neighboring states is attached as Exhibit 1.

The regulation will not have any adverse impact on Pennsylvania's competitiveness with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect other existing or proposed regulations of the Board or of any other state agency.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board has not scheduled public hearings or informational meetings on the regulation. The Board reviews its regulatory proposals at regularly scheduled public meetings each month. Board meetings are held at 116-124 Pine Street, Harrisburg. The meeting dates are posted on the Internet and are also available by calling the Board's administrative offices at (717) 783-4866.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The regulation will require the Board to revise certain application forms to reflect the new schedule of fees. The regulation will not change existing reporting, recordkeeping or other paperwork requirements.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The regulation will apply uniformly to all persons who avail themselves of services covered by the fees. The Board does not have authority to waive payment of a fee.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will take effect upon final publication in the Pennsylvania Bulletin. It is anticipated that this will likely occur at or near the start of the next fiscal year (i.e., July 1, 2001).

(31) Provide the schedule for continual review of the regulation.

The Board reviews its revenues and program costs on a fiscal year and biennial basis.

(Continued from Page 1, No. 8)

add a new fee (application for continuing education provider approval). The regulation also will relocate and make editorial changes to the descriptions of certain fees.

**FEES CHARGED BY APPRAISER REGULATORY BOARDS OF
NEIGHBORING STATES FOR THE SAME OR SIMILAR SERVICES**

NEW YORK:

- Application for Residential or General Appraiser Certification by Examination: \$250
- Application for Residential or General Appraiser Certification by Reciprocity: \$250
- Application for Temporary Practice Registration: \$125
- Application for Approval of Continuing Educating Course: \$25 (plus \$25 for each additional location)
- Preparation of Letter of Good Standing: \$5

NEW JERSEY:

- Application for Residential Appraiser Certification by Examination: \$225
- Application for General Appraiser Certification by Examination: \$250
- Application for Residential Appraiser Certification by Reciprocity: \$100
- Application for General Appraiser Certification by Reciprocity: \$125
- Application for Temporary Practice Registration: \$100
- Application for Approval of Continuing Education Provider/Course: \$0
- Preparation of Letter of Good Standing: \$40

OHIO:

- Application for Residential or General Certification by Examination: \$75
- Application for Residential or General Certification by Reciprocity: \$200
- Application for Temporary Practice Registration: \$100
- Application for Approval of Continuing Education Course: \$50 (\$10 for each subsequent offering)
- Preparation of Letter of Good Standing: \$20

MARYLAND :

- Application for Residential or General Appraiser Certification by Examination: \$100
- Application for Residential or General Appraiser Certification by Reciprocity: \$100
- Application for Temporary Practice Registration: \$0
- Application for Approval of Continuing Education Provider/Course: \$0
- Preparation of Letter of Good Standing \$15

WEST VIRGINIA:

- Application for Residential Appraiser Certification by Examination: \$175
- Application for General Appraiser Certification by Examination: \$325
- Application for Residential Appraiser Certification by Reciprocity: \$175

- Application for General Appraiser Certification by Reciprocity: \$325
- Application for Temporary Practice Registration: \$50 for residential, \$100 for commercial
- Application for Approval of Continuing Education Provider/Course: \$0
- Preparation of Letter of Good Standing: \$20

DELAWARE:

- Application for Residential or General Certification by Examination: \$10
- Application for Residential or General Certification by Reciprocity: \$10
- Application for Temporary Practice Registration: \$25
- Application for Approval of Continuing Education Provider/Course: \$0
- Preparation of Letter of Good Standing: \$10

NOTE: The above-quoted application fees for residential or general appraiser certification do not include examination fees, National Registry fees required by the federal government, or pro-rated fees like the Pennsylvania Board's initial certification fees.

FEE REPORT FORM

Agency: State - BPOA

Date: 03/28/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Appraiser or Evaluator Certification by Examination: \$235.00

Estimated Biennial Revenue: \$44,650.00 (190 certifications x \$235.00)

Fee Description:

The fee will be charged to every applicant for certification by examination as a General or Residential Appraiser or Pennsylvania Evaluator.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Certified Real Estate Appraisers to review and process a request for certification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Education Evaluator-process application: (10.00 hr)	212.09
Averaged Board Member Review-evaluate credentials:	4.00
Administrative Overhead:	<u>19.45</u>
Total Estimated Cost:	\$235.54
Proposed Fee:	\$235.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$235.00 be established for processing an application for certification by examination for General or Residential Appraiser or Pa Evaluator.

Education Evaluator: Receives application, reviews for completeness and contacts applicant to obtain any missing information and/or documents. When application is complete and all requirements are met, the applicant is scheduled for the examination. After passing the examination, the certification is issued through the computer.

Approximately 10% of the applications require further review by a board member for technical review of experience and other credentials. The cost of this additional review has been averaged over the total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA

Date: 03/28/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Appraiser Certification by Reciprocity: \$40.00

Estimated Biennial Revenue: \$400.00 (10 certifications x \$40.00)

Fee Description:

The fee will be charged to every applicant for certification by reciprocity as a General or Residential Appraiser.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Certified Real Estate Appraisers to review and process a request for certification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Education Evaluator-process application:	(1.00 hr)	21.21
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Administrative Overhead:		<u>19.45</u>
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Total Estimated Cost:	\$ 40.66
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Proposed Fee:	\$ 40.00
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Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established for processing an application for certification by reciprocity for General or Residential Appraiser.

Page 2 Certification by Reciprocity-Appraiser

Date: 03/28/00

Education Evaluator: Receives application, reviews for completeness and contacts applicant to obtain any missing information and/or documents, verifies status of license in state having reciprocal agreement with Pennsylvania. If all requirements are met, the certification is issued through the computer. If not, a rejection notice is issued.

FEE REPORT FORM

Agency: State - BPOA

Date: 04/19/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Application for Temporary Practice Registration: \$30.00

Estimated Biennial Revenue: \$2,250.00 (75 applications x \$30.00)

Fee Description:

The fee will be charged to every applicant who requests Temporary Practice Registration while awaiting examination scheduling or results.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Certified Real Estate Appraisers to review and process a request for Temporary Practice Registration and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Education Evaluator-process application: (.50 hr) 10.60

Administrative Overhead: 19.45

Total Estimated Cost: \$ 30.05

Proposed Fee: \$ 30.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$30.00 be established for processing a request for Temporary Practice Registration.

Page 2 Application for Temporary Practice Registration: Date: 04/19/99

Education Evaluator: Receives application, reviews for completeness and contacts applicant to obtain any missing information and/or documents. When application is complete and all requirements are met, issues letter of approval.

FEE REPORT FORM

Agency: State - BPOA

Date: 03/28/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Application for Approval-Continuing Education Provider: \$85.00

Estimated Biennial Revenue: \$2,125.00 (25 applications x \$85.00)

Fee Description:

The fee will be charged to every applicant for approval as a Continuing Education Provider.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Certified Real Estate Appraisers to review and process a request for approval as a Continuing Education Provider and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Education Evaluator-process application: (3.00 hr)	63.63
Averaged Board Member Review-evaluate credentials:	.80
Administrative Overhead:	<u>19.45</u>
Total Estimated Cost:	\$ 83.88
Proposed Fee:	\$ 85.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$85.00 be established for processing an application for approval as a Continuing Education Provider.

Education Evaluator: Receives application, reviews for completeness and contacts applicant to obtain any missing information and/or documents. When application is complete and all requirements are met, issues approval through computer or issues letter of rejection.

Approximately 10% of the applications require further review by a board member for technical review. The cost of this additional review has been averaged over the total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA

Date: 03/28/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Certification of Scores: \$25.00

Estimated Biennial Revenue: \$5,000.00 (200 certifications x \$25.00)

Fee Description:

The fee will be charged to every applicant who requests certification of scores.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Certified Real Estate Appraisers to review and process a request for certification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for certification (.75 hr) 15.23

Bureau Average Administrative Overhead: 9.76

Total Estimated Cost: \$24.99

Proposed Fee: \$25.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for certification scores.

Page 2

Certification of Scores

Date: 03/28/00

Board Staff: Reviews request for certification of scores; researches computer and microfilm files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FEE REPORT FORM

Agency: State - BPOA

Date: 03/28/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Verification of Registration or Certification: \$15.00

Estimated Biennial Revenue: \$3,750.00 (250 verifications x \$15.00)

Fee Description:

The fee will be charged to every applicant who requests verification of registration or certification .

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Certified Real Estate Appraisers to review and process a request for verification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for verification	(.08 hr)	1.62
Bureau Average Administrative Overhead:		<u>9.76</u>
	Total Estimated Cost:	\$11.38
	Proposed Fee:	\$15.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established for verification of registration or certification.

Page 2 Verification of Registration or Certification

Date: 03/28/00

Board Staff: Reviews request for verification, researches computer, microfilm or other files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

DATE: November 30, 1999

SUBJECT: Supplement to Fee Report Forms:
Certification of Examination Scores and
Verification of Certification or Registration Status

TO: Regulatory Review Bodies

FROM: Steven Wennberg, Counsel
State Board of Certified Real Estate Appraisers

The Bureau of Professional and Occupational Affairs has provided the following supplemental information regarding occupational licensing boards' certification of examination scores and verification of licensure, certification, registration, etc.:

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in Pennsylvania that was issued on the basis of a uniform national or regional examination taken in Pennsylvania. Generally, the state of original licensure is the only source of the score of the licensee, as testing organizations do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Pennsylvania board certify the examination score the applicant received on the licensure examination.

The difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. As noted above, states request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the requirements of the requesting state. The licensee, when he applies to the other state, receives information as to what documentation and form is acceptable to the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee.

In the case of a "verification," the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date, and the status of the license. The letters are printed from the Bureau's central

computer records and sent to the Board staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be five minutes.

The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or locations where the examinations were taken, examination scores achieved, or hours and location of training. This information is entered onto a document that is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters, must be retrieved and consulted to provide the information requested. The Board staff then seals and issues the certification document.

SW/

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

2153

Copy below is hereby approved as to
form and legality. Attorney General

David J. King
BY: _____
(DEPUTY ATTORNEY GENERAL)

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

**State Board of
Certified Real Estate Appraisers**

(AGENCY)

Copy below is approved as
to form and legality.
Executive or Independent
Agencies.

BY: _____

APR 18 2000

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-7011

DATE OF ADOPTION: _____

BY: _____

David J. King

4/13/00

DATE OF APPROVAL

(Deputy General Counsel
(Chief Counsel,
~~Independent Agency~~
(Strike inapplicable
title)

TITLE: Chairman

(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if
applicable. No Attorney
General approval or
objection within 30 day
after submission.

NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS
(49 PA CODE, CHAPTER 36)

FEES FOR BOARD SERVICES

PREAMBLE

The State Board of Certified Real Estate Appraisers ("Board") proposes to amend 49 Pa. Code §36.6 (relating to fees) as set forth in Annex A.

Effective Date

The proposed fees would become effective upon publication of the final-form regulation in the Pennsylvania Bulletin.

Statutory Authority

Section 5(6) of the Real Estate Appraisers Certification Act ("REACA"), Act of July 10, 1990, P.L. 404, 63 P.S. §457.5(6), authorizes the Board to establish fees for its operations. Section 9 of the REACA, 63 P.S. §457.9, requires the Board to establish fees by regulation and to ensure that revenues derived from fees are adequate to cover the Board's expenditures over a biennial period.

Background and Purpose

The Board's general operating expenditures are funded through fees for initial certification and biennial renewal of certification. Expenditures related to services that the Board provides to individual certificate holders and applicants are defrayed through user fees based on the actual costs of providing the services.

In a recent systems audit of the Board's operations conducted by the Revenue Office of the Bureau of Professional and Occupational Affairs, the fees for services provided to individual certificate holders and applicants were analyzed to determine if they accurately reflected the actual costs of providing the services. Actual cost calculations were based upon the following formula:

number of minutes to perform the service
x
pay rate for the classification of personnel performing the service
+
a proportionate share of administrative overhead.

The audit revealed that the fees for application for certification as a general or residential appraiser (by examination or by reciprocity), application for certification as a certified Pennsylvania evaluator, application for temporary practice registration, verification of certification or registration

status, and certification of examination scores were less than the actual costs of providing the services.

The Revenue Office recommended that the fees for those services be raised to reflect the Board's actual costs. The Revenue Office also recommended that a new fee be established to defray the Board's actual costs of processing an application for approval as a continuing education provider.

The Board's proposal would implement the Revenue Office's recommendations regarding user fees for Board services. The Board would continue to apportion its general operating costs to the general population of certificate holders when the Board makes its statutorily required biennial reconciliation of revenue and expenditures.

Description of Proposed Amendments

The Board proposes to revise its schedule of user fees as follows:

<u>Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Application for Certification as Appraiser by Examination	\$55	\$235
Application for Certification as Appraiser by Reciprocity	\$25	\$40
Application for Temporary Permit Registration	\$25	\$30
Application for Certification as Certified Pennsylvania Evaluator	\$55	\$235
Application for Approval as Continuing Education Provider	None	\$85
Certification of Examination Score	\$15	\$25
Verification of Certification or Registration Status	\$10	\$15

Fees for Board Services (#16A-7011)
Proposed Rulemaking
Submitted October 4, 2000

The Board also proposes to relocate and make editorial changes to the descriptions of certain fees.

Fiscal Impact

The Board projects that the revised schedule of user fees would generate additional revenues totaling approximately \$40,100 during each fiscal biennium. The additional biennial revenues are broken down as follows:

<u>Service</u>	<u>Estimated Fee-Payers</u>		<u>Fee Increase</u>		<u>Additional Revenues</u>
Application for Certification as Appraiser or Certified Pennsylvania Evaluator by Examination	190	x	\$180	=	\$34,200
Application for Certification as Appraiser by Reciprocity	10	x	\$15	=	\$150
Application for Temporary Practice Registration	75	x	\$5	=	\$375
Application for Approval as Continuing Education Provider	25	x	\$85	=	\$2,125
Certification of Examination Scores	200	x	\$10	=	\$2,000
Verification of Certification or Registration Status	250	x	\$5	=	<u>\$1,250</u>
			Total		\$40,100

Paperwork Requirements

The Board's proposal would require the Board to change certain forms to reflect the revised schedule of user fees. The Board's proposal would not create additional paperwork requirements

for the regulated community.

Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in drafting and promulgating the proposed fees, considered the least restricted alternative to regulatory costs for services requested by individual certificate holders and applicants.

Regulatory Review

On October 4, 2000, as required by Section 5(a) of the Regulatory Review Act, 71 P.S. §745.4(a), the Board submitted copies of this notice of proposed rulemaking to the Independent Regulatory Review Commission, the Senate Standing Committee on Consumer Protection and Professional Licensure, and the House Standing Committee on Professional Licensure. The Board also provided the IRRC and the Committees with copies of a regulatory analysis and fee report forms prepared in compliance with Executive Order 1996-1. Copies of these forms are available to the public upon request.

If the IRRC has objections to the proposed fees, it will notify the Board after the close of the public comment period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit the IRRC, the General Assembly and the Governor to review any objections prior to final adoption of the fees.

Public Comment

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed fees to Steven Wennberg, Counsel, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice of proposed rulemaking in the Pennsylvania Bulletin.

ANNEX A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Subchapter A. GENERAL PROVISIONS**

§36.6. Fees.

The following is the schedule of fees charged by the Board:

Certification of scores.....**\$25** [**\$15**]

Verification of certification or registration.....**\$15** [**\$10**]

Certified Real Estate Appraisers

Application [fee] by examination.....**\$235** [**\$55**]

Application by reciprocity.....**\$40**

Temporary practice registration.....**\$30**

Examination [fee].....**\$100**

Initial certification (if certified on or after 7/1 of odd-numbered years
or on or before 6/30 of even-numbered years).....**\$90**

Initial certification (if certified on or after 7/1 of even-numbered years
and 6/30 of odd-numbered years).....**\$45**

Biennial renewal fee.....**\$105**

Certified Broker/Appraisers

Fees for Board Services (#16A-7011)
Proposed Rulemaking
Submitted October 4, 2000

Application [fee] (for application period of 9/3/96 to 9/3/98).....\$40

Initial certification (if certified between 7/1/97 and 6/30/98).....\$90

Initial certification (if certified between 9/3/96 and 6/30/97
or if certified on or after 7/1/98, if the application for initial
certification was submitted by 9/3/98).....\$45

Certified Pennsylvania Evaluators

Application [fee]\$235 [\$55]

Initial certification (if certified on or after 7/1 of odd-numbered years
or on or before 6/30 of even-numbered years).....\$90

Initial certification (if certified on or after 7/1 of even-numbered years
and 6/30 of odd-numbered years).....\$45

Biennial renewal fee.....\$105

[Reciprocity certification fee.....\$25]

[Temporary Practice registration fee..... \$25]

Examination [fee].....\$200

Continuing Education Provider

Application for continuing education provider approval.....\$55



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**LEGAL OFFICE
COUNSEL DIVISION
(717) 783-7200
FAX: (717) 787-0251**

**116 PINE STREET
P.O. BOX 2649
HARRISBURG, PA
17105-2649**

January 31, 2001

The Honorable John R. McGinley, Jr.
Chairman, Independent Regulatory Review Commission
Harristown II, 14th Floor
333 Market Street
Harrisburg, PA 17101

RE: Proposed Rulemaking of the State Board of Certified Real Estate
Appraisers Relating to Fees for Board Services (16A-7011)

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Certified Real Estate Appraisers relating to fees for Board services.

This proposed rulemaking was published in the Pennsylvania Bulletin on October 14, 2000, triggering a 30-day public comment period. The end of the 1999-2000 legislative session prevented the Senate Consumer Protection and Professional Licensure Committee from completing its review of this proposed rulemaking following the close of the public comment period on November 13, 2000. Accordingly, the Board is redelivering this proposed rulemaking to the Senate Committee, the House Professional Licensure Committee, and your Commission as required by Section 5(e) of the Regulatory Review Act, 71 P.S. §745.5(e).

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Wennberg".

Steven Wennberg, Counsel
State Board of Certified Real Estate Appraisers

SW:apm
Enclosure

**cc: John T. Henderson, Jr., Chief Counsel
Department of State**

**Joyce McKeever, Deputy Chief Counsel
Department of State**

**Albert H. Masland, Acting Commissioner
Bureau of Professional and Occupational Affairs**

**Gerald S. Smith, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs**

State Board of Certified Real Estate Appraisers

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: 16A- 7011
SUBJECT: Fees for Board Services
AGENCY: DEPARTMENT OF STATE

2001 JAN 31 PM 4:22

INDEPENDENT REGULATORY
REVIEW COMMISSION

TYPE OF REGULATION

- X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
1/31/01	Lori A. Clark	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
JAN 31 2001	Paul E. Zuber	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
1/31/01	St. Helms	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

January 26, 2001