

BEFORE THE BOARD OF REALTY REGULATION
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.210.401 and 24.210.801 fee)
schedule)
NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 30, 2013, at 10:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Realty Regulation (board) no later than 5:00 p.m., on May 24, 2013, to advise us of the nature of the accommodation that you need. Please contact Grace Berger, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; e-mail dlibsdrre@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The board determined it is reasonably necessary to amend the board fee schedules. For many years, because of economic incentives, the real estate industry experienced record numbers of individuals taking the licensing examination, applying for a license, and renewing their licenses. As a result, the board accumulated a large cash balance. The reserve was approaching the statutory limit of two times the board's annual spending authority. As the economy cooled, board revenues slowed. The board determined they would delay raising fees while the real estate market was in such record decline.

In addition to increasing regular board expenses, the board was responsible for paying a portion of the cost of a new licensing database purchased by the Business Standards Division of the Department of Labor & Industry for use by all licensing boards. The board did not assess its portion of the cost to licensees, but paid its share with the cash reserves. As a result of legislation or program changes, the board has altered or added some fees over the years, but the board has not done a comprehensive fee review and update since 2000. The board must now increase fees to cover current expense projections and maintain fees commensurate with associated costs, as required by statute. The board estimates these fee changes will affect approximately 7,843 applicants and licensees, and will result in additional annual revenue of \$471,520.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.210.401 FEE SCHEDULE (1) through (3) remain the same.

(4) Original broker license	\$ 100 <u>175</u>
(5) Renewal of a broker license	400 <u>175</u>
(6) Original sales license	87.50 <u>150</u>
(7) Renewal of a sales license	87.50 <u>150</u>
(8) Broker change of place of business or each salesperson	
change of broker or transfer of cancelled license	45 <u>80</u>
(9) Transfer of supervision to a single temporary supervising broker	25 <u>45</u>
(10) Late filing of temporary supervising broker notification	50 <u>90</u>
(11) remains the same.	
(12) Placing active or cancelled license on inactive status	10 <u>20</u>
(13) Activating a license on inactive status	45 <u>80</u>
(14) remains the same.	
(15) Continuing education course application for approval	
or renewal	75 <u>130</u>
(16) Education course instructor application for approval	
or renewal	50 <u>87.50</u>
(17) Rookie continuing education course registration	100 <u>175</u>
(18) remains the same.	
(19) Predetermination, equivalency, or waiver application fee	50 <u>87.50</u>
(20) Each additional course hour option from one course outline	20 <u>35</u>
(21) Individual CE request application (per course)	25 <u>45</u>
(22) remains the same.	
(23) Instructor/course development course	\$100 <u>175</u> per course
(24) remains the same.	

AUTH: 37-1-131, 37-1-134, 37-51-203, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-51-202, 37-51-204, 37-51-207, 37-51-301, 37-51-302, 37-51-303, 37-51-305, 37-51-308, 37-51-309, 37-51-311, 37-51-502, MCA

24.210.801 FEE SCHEDULE (1) through (3) remain the same.

(4) For each original license	\$ 60 <u>105</u>
(5) For each annual renewal	75 <u>130</u>
(6) For each change of place of business or affiliation	45 <u>80</u>
(7) remains the same.	
(8) For placing an active license inactive	10 <u>20</u>
(9) For activating an inactive license	45 <u>80</u>
(10) remains the same.	
(11) Continuing education course application	75 <u>130</u>
(12) Education course instructor application for	
approval or renewal	50 <u>87.50</u>
(13) Prelicensing course <u>application for approval or renewal</u>	150
(14) Individual CE request application (per course)	25 <u>45</u>
(15) remains the same.	
(16) Instructor/course development course	\$100 <u>175</u> per course

(17) remains the same.

AUTH: 37-1-134, 37-51-203, MCA

IMP: 37-1-134, 37-1-141, 37-51-207, MCA

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to dlibsdrre@mt.gov, and must be received no later than 5:00 p.m., June 7, 2013.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's web site at www.realestate.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2323; e-mailed to dlibsdrre@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Gene Allison, attorney, has been designated to preside over and conduct this hearing.

BOARD OF REALTY REGULATION
C.E. "ABE" ABRAMSON,
PRESIDING OFFICER

/s/ DARCEE L. MOE

Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY

Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 29, 2013