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TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #06-120

May 17, 2006

Representative Michael Murphy, Chair
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

Re: LSA 06-120 – Proposed rule regarding fees assessed by the Real Estate Commission

Dear Representative Murphy:

On behalf of the Real Estate Commission (Commission), Indiana Professional Licensing Agency, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-19 which requires an agency to begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

The Commission published its notice of intent to adopt a rule regarding the licensure of appraisers, LSA document number 05-150, at 28 IR 3002 on July 1, 2005, within sixty (60) days after the effective date of SEA 139 (P.L. 194-2005) in compliance with IC 4-22-2-19. However, the drafting of the rule took longer than anticipated and could not be completed within one year as required by IC 4-22-2-25. The Commission needed additional time to determine the amount of fees which should be assessed to bring the rules into conformity with the statutory changes in SEA 139 (P.L. 194-2005) and IC 25-1-8-2(c), which requires that in no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the Commission. IC 25-1-8-2(b) provides that fees established by statute shall remain in effect until replaced by a new fee adopted by rule.

LSA document 05-162 has been withdrawn as of May 1, 2006 and a notice of intent, LSA document number 06-120, was published on May 1, 2006 concerning the same subject matter.

Your understanding of these circumstances is greatly appreciated. If you need additional information, please do not hesitate to contact me at 234-1987.

Sincerely,

Barbara Marvel McNutt
Chief Counsel

Cc: Frances L. Kelly, Executive Director
Wade Lowhorn, Deputy Director
Nicholas Rhoad, Commission Director