

IDAPA 33 - IDAHO REAL ESTATE COMMISSION

33.01.03 - RULES GOVERNING SUBDIVIDED LANDS REGISTRATION

DOCKET NO. 33-0103-0901 (NEW CHAPTER - FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 55-1811, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

THURSDAY - OCTOBER 29, 2009 - 10:00 a.m.

**IDAHO REAL ESTATE COMMISSION
633 N. Fourth Street, Boise Idaho**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rulemaking would establish a new rules chapter governing the Real Estate Commission's administration of the Subdivided Lands Act. The rule will also establish the reduction in registration fees under the Commission's proposed legislation to encourage use of the on-line documents management system.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No new fee or increase is being imposed. The proposed rule would provide that all registration application fees prescribed in Section 55-1809, Idaho Code, be reduced by 25% for applicants who file using the web-based document management system sponsored by the Association of Real Estate License Law Official.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

Revenues deposited with the treasury and credited to the Special Real Estate Fund would be reduced by an estimated \$6,000 for FY2010/11.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the rule seeks only to reduce fees and is non controversial.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact: Jeanne Jackson-Heim, Executive Director, Idaho Real Estate Commission, Phone: (208) 334-3285; toll free in Idaho (866) 447-5411; Fax: (208) 334-2050.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 20th day of August, 2009.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
Phone: (208) 334-3285; toll free in Idaho (866) 447-5411; Fax: (208) 334-2050

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 33-0103-0901

IDAPA 33
TITLE 01
CHAPTER 02

33.01.03 - RULES OF THE IDAHO REAL ESTATE COMMISSION
GOVERNING REGISTRATION OF SUBDIVIDED LANDS

GENERAL PROVISIONS

RULES 000 THROUGH 006

000. LEGAL AUTHORITY.

The Rules of the Idaho Real Estate Commission governing registration of subdivided lands contained herein have been adopted pursuant to Section 55-1811(1), Idaho Code. Any violation of these rules, or of any provision of Chapter 18, Title 55, shall be sufficient cause for disciplinary action as prescribed in Sections 55-1811 through 55-1823, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 33.01.03, "Rules of the Idaho Real Estate Commission Governing Registration of Subdivided Lands," IDAPA 33, Title 01, Chapter 03. ()

02. Scope. These rules contain the requirements for implementation and enforcement of the Subdivided Lands Disposition Act, contained in Chapter 18, Title 55, Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), this agency has written statements which pertain to the interpretation of the rules of this chapter, or to documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the Idaho Real Estate Commission, 633 North 4th Street, Boise, Idaho, 83702. ()

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by IDAPA 33.01.02.000 et seq., "Rules of Practice and Procedure of the Idaho Real Estate Commission." ()

004. INCORPORATION BY REFERENCE.

There are no materials incorporated by reference. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS.

01. Office Hours. The office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. ()

02. Mailing Address. The mailing address is P.O. Box 83720, Boise Idaho 83720-0077. ()

03. Street Address. The Commission's street address is 633 North Fourth Street, Boise, Idaho 83702. ()

04. Telephone Numbers. The Commission can be reached by telephone at (208) 334-3285 and by fax at (208) 334-2050. A toll-free number for JTRS Relay Service (telecommunications for the hearing impaired) is 1-800-377-3529. ()

006. PUBLIC RECORDS ACT COMPLIANCE.
All records associated with these rules are subject to the provisions of the Public Records Act, Title 9, Idaho Code. ()

007. -- 099. (RESERVED).

APPLICATION FOR REGISTRATION

RULES 100 -- 199

100. REGISTRATION FEES.
The application fees prescribed in Section 55-1809, Idaho Code, including the maximum fee, shall be reduced by twenty-five percent (25%) for any applicant that submits the required filings using the web-based document management system sponsored by the Association of Real Estate License Law Officials. The reduction does not apply to any late fee. ()

101. -- 999. (RESERVED).