

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 28. STATE REAL ESTATE DEPARTMENT

Editor's Note: The following Notice of Exempt Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 210.)

[R13-11]

PREAMBLE

- 1. Article, Part or Section Affected (as applicable) Rulemaking Action**
R4-28-105 New Section
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific).**
Authorizing statute: A.R.S. § 32-2107(F)
Implementing Statute: A.R.S. § 32-2132
Statute or session law authorizing the exemption: Added by Laws 2012, Ch. 297, § 29, eff. May 8, 2012.
- 3. The effective date of the rule and the agency's reason it selected the effective date:**
January 16, 2013
- 4. A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
None
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Louis Dettorre
Address: 2910 N. 44th St., Suite 110
Phoenix, AZ 85018
Telephone: (602) 771-7769
Fax: (602) 468-0562
E-mail: ldettorre@azre.gov
Web site: www.azre.gov
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
The purpose for initiating this exempt rule package is to establish education and educator fees pursuant to A.R.S. § 32-2132, as amended by HB 2855 (revenue; budget reconciliation; 2012-2013). This act signed in 2012 by Governor Jan Brewer gives the Department of Real Estate ("Department") exempt rulemaking privileges until July 1, 2013.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Department has not reviewed, and did not rely on, any study as an evaluation or justification for these exempt rules.
- 8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of the state:**
Not applicable

Notices of Exempt Rulemaking

9. The summary of the economic, small business, and consumer impact, if applicable:

The Department does not believe this rulemaking imposes any new or larger burdens on the educator licensees. The purpose for initiating this exempt rule package is to establish fees pursuant to A.R.S. § 32-2132, as amended by HB 2855 (revenue; budget reconciliation; 2012-2013). This act signed in 2012 by Governor Brewer gave the Department of Real Estate ("Department") exempt rulemaking privileges until July 1, 2013. The fees authority is prescribed in A.R.S. § 32-2132.

Individuals and small businesses benefit from receiving Department approval. This approval indicates to the industry that the individual or course is in compliance with State standards. The Department has never charged fees for approval applications. Each approval application takes considerable personnel time to review, process, and complete in a timely fashion. For example, distance learning courses can take a Department employee up to two and a half hours to review and complete on the computer.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not limited to:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

None

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules are promulgated under state law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.

None

13. A list of any incorporated by reference material and its location in the rule:

There is no material incorporated by reference in these rules.

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 28. STATE REAL ESTATE DEPARTMENT

ARTICLE 1. GENERAL PROVISIONS

Section

R4-28-105. Educator Fees

ARTICLE 1. GENERAL PROVISIONS

R4-28-105. Educator Fees

Any individual applying for a certificate of approval or renewal to operate a school, instructor or other school official approval or renewal, live classroom prelicensure education course approval or renewal, live classroom continuing education course approval or renewal, and continuing education distance learning course approval or renewal pursuant to A.R.S. § 32-2132 shall submit the applicable fees to the Department.