

Dear Senators ANDREASON, Coiner & Werk, and
Representatives BLACK, Henderson & Elaine Smith:

The Office of the Legislative Services, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses: 24.18.01 - Rules of the Real Estate Appraiser Board.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 4-29-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 5-27-08.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Subcommittees for Administrative Rules Review of the Senate Commerce and Human Resources Committee and the House Business Committee

FROM: Eric Milstead, Principal Research Analyst

DATE: April 10, 2008

SUBJECT: Bureau of Occupational Licenses - IDAPA 24.18.01
Rules of the Real Estate Appraiser Board (Docket #24-1801-0801)

The Bureau of Occupational Licenses has submitted temporary and proposed rules at IDAPA 33.01.01 - Rules of the Real Estate Appraiser Board. The proposed and temporary rule changes appear uncomplicated. The changes reflect an updated reference to the current version (2008 version) of the Uniform Standards of Professional Appraisal Practice (USPAP). The rules also make a technical change relating to continuing education and provide that all certified/licensed appraisers attend a USPAP update course every twenty-four months.

The temporary and proposed rules are within the authority granted to the Bureau under Section 54-4106, Idaho Code.

cc: Tana Cory, Bureau Chief, & Cherie Simpson

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - Rules of the Real Estate Appraiser Board

DOCKET NO. 24-1801-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 11, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-4106, Idaho Code, and Title XI, federal code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 29, 2008.

The hearing site(s) 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: This change will update the version of USPAP to the current edition and clarify the timeframe for the USPAP update course needed for continuing education from two (2) years to twenty-four (24) months

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) *b*, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Federal requirements under Title XI have changed effective 1/1/2008. This change will bring the state into compliance.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

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: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes are required to meet federal standards under Title XI.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 28, 2008.

DATED this 4th day April, 2008.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

IDAPA 24
TITLE 18
CHAPTER 01

24.18.01 - Rules of the Real Estate Appraiser Board

004. Incorporation By Reference (Rule 4).

The document titled "Uniform Standards of Professional Appraisal Practice (USPAP)," 2006~~8~~ Edition published by the Appraisal Foundation and effective January 1, 2006~~8~~ as referenced in Subsection 700, is herein incorporated by reference and is available for review at the Board's office and may be purchased from the Appraisal Foundation.

~~(4-11-06)~~(3-11-08)T

401. Continuing Education (Rule 401).

All certified/licensed appraisers must comply with the following continuing education requirements: (7-1-97)

01. Purpose of Continuing Education. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising. (7-1-97)

02. Hours Required. The equivalent of fifteen (15) classroom hours of instruction in courses or seminars during each year prior to renewal is required. (3-20-04)

a. A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (7-1-93)

b. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. (7-1-97)

c. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the Appraisal Qualification Board and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years. (4-6-05)

d. Once every ~~two (2) years~~ twenty-four (24) months an Idaho State Certified/Licensed Real Estate Appraiser will be required to attend an approved seven (7) hour USPAP update course or the equivalent. ~~(3-30-07)~~(3-11-08)T

03. Credit for Appraisal Educational Processes and Programs. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education. (7-1-97)

04. Credit for Attending the Licensure Board Meetings. Continuing education credit may be granted once each year for time spent attending Board meetings of no less than two (2) hours. (3-30-07)

05. Requirement When a Certificate/License Is Cancelled. For each year (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be documented, including a seven (7) hour USPAP update course, prior to reinstatement. (3-30-07)