

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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Real Estate Commission: IDAPA 33.01.01 - Rules of the Idaho Real Estate Commission (Docket No. 33-0101-0801).

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 9-9-08. 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 10-7-08.

_____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 Legislative Research Analyst

DATE: August 20, 2008

SUBJECT: Idaho Real Estate Commission - IDAPA 33.01.01 (Docket No. 33-0101-0801)

The Idaho Real Estate Commission has submitted a proposed rule at IDAPA 33.01.01 - Rules of the Idaho Real Estate Commission. The proposed rule clarifies provisions relating to education courses approved for licensing credit. The Commission notes that negotiated rulemaking was not conducted because industry representatives have participated in “this rulemaking.”

We find no substantive problems regarding the proposed rule. However, we note a few minor punctuation matters. It appears that with the proposed changes found in section 402.01, the new subsection “s”–Licensee safety, should be followed by the word “and” and the new subsection “t” should be followed with a period instead of a semicolon as it currently appears in the proposed rule. Finally, in section 402.03, it appears that subsection “a” should be followed by the word “or”.

The proposed rule appears to be within the authority granted to the Commission under Section 54-2007, Idaho Code.

cc: Jeanne Jackson-Heim, Executive Director

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0801

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2007 and 54-2036(3), Idaho Code.

PUBLIC HEARING: A public hearing concerning this rulemaking will be held as follows:

Thursday - September 25th, 2008 - 10:00 a.m.

THE IDAHO REAL ESTATE COMMISSION
633 North Fourth Street
Boise, Idaho 83702

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 a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking amends Rule 402 to clarify that the education courses approved for licensing credit must be directly related to the practice of real estate. Specific topics (e.g., specific real estate markets) otherwise included within a broader topic (e.g., "real estate marketing") are being deleted to avoid implication that non-specified markets are excluded.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No fee or charge is involved with this rulemaking.

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: None.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, formal negotiated rulemaking was not conducted because industry representatives were contacted and have participated in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jeanne Jackson-Heim, (208) 334-3285.

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 September 25, 2008.

DATED this 30th day of July, 2008.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0801

402. APPROVED TOPICS FOR CONTINUING EDUCATION.

The primary purpose of continuing education is to help assure that licensees possess the knowledge, skills, and competency necessary to function in the real estate business in a manner that protects and serves the public interest. The knowledge or skills taught in an elective course must enable licensees to better serve real estate consumers.

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01. Topics Approved by the Commission. Approved topic areas for continuing education, as provided for in Sections 54-2023 and 54-2036, Idaho Code, include the following as they pertain to real estate brokerage practice and actual real estate knowledge:

~~(3-20-04)~~()

- a. Real estate ethics; (3-20-04)
- b. Legislative issues that influence real estate practice; (3-20-04)
- c. Real estate law; contract law; agency; real estate licensing law and administrative rules; (3-20-04)
- d. Fair housing; affirmative marketing; Americans with Disabilities Act; (3-20-04)
- e. Real estate financing, including mortgages and other financing techniques; (3-20-04)
- f. Real estate market measurement and evaluation; (3-20-04)
- g. Land use planning and zoning; land development; construction; energy conservation in building; (3-20-04)
- h. Real estate investment; (3-20-04)
- i. Accounting and taxation as applied to real property; (3-20-04)
- j. Real estate appraising; (3-20-04)
- k. Real estate marketing procedures ~~related specifically to actual real estate knowledge;~~ ~~(3-20-04)~~()
- l. Real estate inspections; (3-20-04)
- m. Property management; (3-20-04)
- n. Timeshares, condominiums and cooperatives; (3-20-04)
- o. Real estate environmental issues and hazards, including lead-based paint, underground storage tanks, radon, etc., ~~and how they affect the practice of real estate;~~ ~~(3-20-04)~~()
- p. Water rights; (3-20-04)
- q. Brokerage office management and supervision; (3-30-07)
- r. Use of ~~calculators or computers as applied to the practice of real estate~~ technology; ~~(3-30-07)~~()
- ~~s. Use of technology as to the practice of real estate;~~ ~~(3-30-07)~~
- ~~t. Licensee safety;~~ (3-30-07)

u.	Commercial real estate topics;	(3-30-07)
v.	Tenants in common;	(3-30-07)
w.	Mobile/manufactured homes;	(3-30-07)
x.	Green market;	(3-30-07)
y.	Senior market;	(3-30-07)
z.	Negotiation skills;	(3-30-07)
aa.	Communication skills;	(3-30-07)
bb.	Resort and recreation;	(3-30-07)
cc.	Farm and ranch;	(3-30-07)
dd.	Timber and mining;	(3-30-07)
ee.	Professionalism; and	(3-30-07)
ff.	Business Success.	(3-30-07)

02. Other Topics. Upon written request, the Commission may also approve any other topic that directly relates to real estate brokerage practice and that directly contributes to the accomplishment of the primary purpose of continuing education, ~~which is to help assure that licensees possess the knowledge, skills, and competency necessary to function in the real estate business in a manner that protects and serves the public interest. The knowledge or skills taught in an elective course must enable licensees to better serve real estate consumers.~~

~~(3-20-04)()~~

03. Topics Not Eligible for Continuing Education Credits. The following activities shall not be eligible for approval for compliance with the continuing education requirement: (3-20-04)

- a. Those which are specifically exam preparation in nature; (3-20-04)
- b. ~~Those which are held in conjunction with a brokerage firm's sales promotion or sales meetings; or~~
Real estate topics not directly related to real estate brokerage practice. ~~(3-20-04)()~~
- e. ~~Those which are held by trade organizations for licensee's orientation.~~ (3-20-04)