

Dear Senators TIPPETS, Patrick, Schmidt, and
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rule of the
Real Estate Commission:

IDAPA 33.01.01 - Rules of the Idaho Real Estate Commission (Docket No. 33-0101-1301) -
Temporary and Proposed Rule.

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 08/20/2013. 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 09/18/2013.

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 334-4845, or send a written request to the address on the
memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee
FROM: Principal Legislative Research Analyst - Brooke Brouman
DATE: August 01, 2013
SUBJECT: Real Estate Commission

IDAPA 33.01.01 - Rules of the Idaho Real Estate Commission (Docket No. 33-0101-1301) - **Temporary and Proposed Rule**

The Idaho Real Estate Commission submits this temporary and proposed rulemaking for the purpose of including "business success" as a Commission-approved area for licensee continuing education credit.

The Commission states that negotiated rulemaking was not conducted because it consulted with industry representatives about the proposed rule and they are in agreement with the desirability and need for the rule change. A public hearing concerning this rulemaking will be held on Tuesday, August 27, 2013 at 10:00 a.m. at the Idaho Real Estate Commission located at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho.

Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate because it confers a benefit to licensees by expanding the topics for which continuing education credit may be awarded.

The Commission's temporary and proposed rule is authorized pursuant to the provisions of Sections 54-2007 and 54-2036(3), Idaho Code.

cc: Idaho Real Estate Commission
Jeanne Jackson-Heim, Executive Director

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-1301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 13, 2013.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2007 and 54-2036(3).

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

Tuesday, August 27, 2013 at 10:00 a.m. (MDT)

**Idaho Real Estate Commission
575 E. Parkcenter Blvd., Suite 180
Boise ID 83706**

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 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:

Expands the scope of courses for which the Commission may grant licensee education credit to include Professionalism and Business Success.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit to licensees by expanding the topics for which licensee Continuing Education credit may be awarded. This will provide greater opportunity for enhanced professional development and consumer protection.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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 Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Commission has already consulted with industry representatives about the text of the proposed change and they are in agreement with the desirability and need for this rule change.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: None.

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 August 28, 2013.

DATED this 3rd day of July, 2013.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
575 E. Parkcenter Blvd., Suite 180
Boise ID 83706
(208) 334-3285; (208) 334-2050 (fax)

**THE FOLLOWING IS THE TEMPORARY RULE AND TEXT OF THE PROPOSED RULE
FOR DOCKET NO. 33-0101-1301**

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, or that promotes the professionalism and business proficiency of the licensee. The knowledge or skills taught in an elective course must enable licensees to better serve real estate consumers. ~~(5-8-09)~~ **(6-13-13)T**

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: (5-8-09)

- 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; (5-8-09)
- 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.; (5-8-09)
 - p.** Water rights; (3-20-04)
 - q.** Brokerage office management and supervision; (3-30-07)
 - r.** Use of technology; (5-8-09)
 - s.** Licensee safety; (3-30-07)
 - t.** Negotiation skills; (3-30-07)
 - u.** Business success. (6-13-13)T
- 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. (5-8-09)
- 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.** Real estate topics not directly related to real estate brokerage practice. (5-8-09)