

BEFORE THE BOARD OF REAL ESTATE APPRAISERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 24.207.505 and 24.207.506) AMENDMENT
qualifying education requirements for)
licensed real estate appraisers and) NO PUBLIC HEARING
residential certification) CONTEMPLATED

TO: All Concerned Persons

1. On September 12, 2011, the Board of Real Estate Appraisers (board) proposes to amend the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., on August 19, 2011, to advise us of the nature of the accommodation that you need. Please contact Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406)841-2354; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; e-mail dlibsrea@mt.gov.

24.207.505 QUALIFYING EDUCATION REQUIREMENTS FOR LICENSED REAL ESTATE APPRAISERS (1) through (3) remain the same.

(4) To upgrade from a trainee to a licensed real estate appraiser, an applicant may use education obtained for licensure as a trainee, as long as the education meets the required core curriculum as outlined in ~~ARM 24.207.506~~ this rule.

(5) remains the same.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-202, MCA

REASON: The board is amending this rule to correct an inaccurate reference to the appraiser core curriculum as it is located within this rule.

24.207.506 QUALIFYING EDUCATION REQUIREMENTS FOR RESIDENTIAL CERTIFICATION (1) Applicants for certification as certified residential real estate appraisers shall provide evidence of completion of ~~420~~ 200 hours of board-approved instruction in the required core curriculum.

~~(2) In addition to the topics listed in ARM 24.207.505, applicants for certification as a certified residential real estate appraiser shall demonstrate that their education involved coverage of the required core curriculum requirements.~~

(3) through (3)(k) remain the same, but are renumbered (2) through (2)(k).

~~(4)~~ (3) To upgrade from a trainee or a licensed real estate appraiser to a certified residential real estate appraiser, an applicant may use education obtained for licensure as a licensed real estate appraiser, as long as the education meets the required core curriculum in this section.

(5) through (5)(e) remain the same, but are renumbered (4) through (4)(e).

AUTH: 37-1-131, 37-54-105, 37-54-303, MCA

IMP: 37-1-131, 37-54-105, 37-54-303, MCA

REASON: The board is amending this rule to correct the total hours required for certified residential appraisal licensure to align with the revised Appraisal Qualification Board (AQB) requirements. The AQB is the federal body that establishes the qualifications for appraisers. Montana must amend its requirements to remain federally compliant. The board initially amended the total hour requirement in (3) to 200 hours when the AQB requirements changed effective January 1, 2008. The board inadvertently missed correcting this additional reference to the former 120 hours and is doing so now. The board is deleting (2) as redundant and unnecessary since all appraisers must fulfill the requirements of ARM 24.207.505.

4. Concerned persons may submit their data, views, or arguments concerning the proposed amendment in writing to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to dlibsrea@mt.gov, to be received no later than 5:00 p.m., August 25, 2011.

5. If persons who are directly affected by the proposed amendment wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to dlibsrea@mt.gov. The comments must be received no later than August 25, 2011.

6. If the board receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 7 persons based on 67.

7. An electronic copy of this notice is available through the department and board's site on the World Wide Web at www.realestateappraiser.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises

all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2323, e-mailed to dlibsdua@mt.gov, or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

BOARD OF REAL ESTATE APPRAISERS
JENNIFER MCGINNIS, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 18, 2011