

COMMERCE & HUMAN RESOURCES COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2010 Legislative Session

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IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 41-211, 41-401, 41-1952 and 41-1965, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

House Bill 75, which will take effect July 1, 2009, requires that persons engaged in the business of life settlements register with the Department of Insurance and pay fees as prescribed by the Director. This rulemaking sets forth required fees for persons registering as life settlement providers and life settlement brokers.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2009 Idaho Administrative Bulletin, Vol. 09-7, pages 94 - 96.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased.

This fee or charge is being imposed pursuant to Sections 41-1952 and 41-1965, Idaho Code: Life settlement providers will be required to pay an initial registration fee of \$500, and \$300 biennially thereafter. Life settlement brokers will be required to pay an initial registration fee of \$300, and \$80 biennially thereafter.

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: No negative fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Shad Priest at 208-334-4250.

DATED this 1st day of October, 2009.

Shad Priest, Deputy Director

Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED FEE RULE***

EFFECTIVE DATE: The effective date of the temporary rule is **July 1, 2009**.

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 Sections 41-211, 41-401, 41-1952 and 41-1965, Idaho 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 July 15, 2009.

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:

House Bill 75, effective July 1, 2009, requires that persons engaged in the business of life settlements register with the Department of Insurance and pay fees as prescribed by the Director. This rulemaking sets forth required fees for persons registering as life settlement providers and life settlement brokers.

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

The rule is necessary to protect the public health, safety, or welfare, and to comply with deadlines in amendments to governing law.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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:

Life settlement providers will be required to pay an initial registration fee of \$500, and

\$300 biennially thereafter. Life settlement brokers will be required to pay an initial registration fee of \$300, and \$80 biennially thereafter. The fee is authorized by Sections 41-1952 and 41-1965, Idaho Code, effective July 1, 2009.

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 resulting from this rulemaking:

No negative fiscal impact to the general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), negotiated rulemaking was not conducted because the changes made by this rulemaking were needed to conform the existing rule to changes in state law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Shad Priest at 208-334-4250.

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 July 22, 2009.

DATED this 27th day of May, 2009.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

030. PRODUCER AND MISCELLANEOUS LICENSING FEES.

01. Original License Application. The following fees are due and must be paid with the filing application for original license, which fees include the issuance of a license, if issued:

- | | |
|---|-----------|
| | (3-13-02) |
| a. Administrators -- three hundred dollars (\$300). | (7-1-00) |
| b. Producers -- eighty dollars (\$80). | (3-13-02) |
| c. Designation as a managing general agent -- eighty dollars (\$80). | (3-13-02) |
| d. Adjusters -- eighty dollars (\$80). | (3-13-02) |
| e. Reinsurance intermediary -- eighty dollars (\$80). | (3-13-02) |
| f. Surplus line brokers -- eighty dollars (\$80). | (3-13-02) |
| g. <u>Life settlement providers -- five hundred dollars (\$500).</u> | () |

- h.** Life settlement brokers -- three hundred dollars (\$300). ()
- 02. Examination Fees.** The following fees are due and must be paid in order to take examinations for the following licenses: (3-13-02)
- a.** Producers and adjusters -- application for examination and each time taken -- sixty dollars (\$60). (3-13-02)
- 03. Fingerprint Processing.** Processing fingerprints (when required) -- sixty dollars (\$60). (7-1-00)
- 04. License Renewal.** The following fees are due and must be paid for each license in order to renew or continue each and every license: (3-13-02)
- a.** Adjusters, producers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. (3-16-04)
- b.** Redesignation as managing general agent (annual) -- eighty dollars (\$80). (3-13-02)
- c.** Administrators (biennial) -- eighty dollars (\$80). (3-19-07)
- i.** Renewal form shall be filed on or before December 31. (3-19-07)
- ii.** Any renewal form postmarked after December 31 shall include a penalty in an amount equal to the renewal fee. (3-19-07)
- iii.** A renewal form postmarked after January 31 must be submitted as a new application with supporting documents and the full application fee. (3-19-07)
- d.** Surplus line brokers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. (3-16-04)
- e.** Life settlement providers (biennial) -- three hundred dollars (\$300). ()
- f.** Life settlement brokers (biennial) -- eighty dollars (\$80). ()

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is January 1, 2010. This pending rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and is also amending a temporary rule. The action is authorized pursuant to Sections 41-211, 41-401, and 41-5911(6), Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule:

The pending rule has been changed to remove redundant language. The changes to the pending rule do not affect the substance of the rule or the amount of any fees imposed by the rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions that have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in Book 2 of the October 7, 2009, Idaho Administrative Bulletin, Vol. 09-10, pages 77 through 79.

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. This fee or charge is being imposed pursuant to Sections 41-401 and 41-5911(6), Idaho Code. The following is a specific description of the fee or charge imposed or increased:

The fee is part of the implementation of House Bill 192, which creates a right to independent review of certain types of health claim denials. Independent review organizations applying to handle reviews will be required to pay an initial application for approval fee of \$500 and a biennial reapproval fee of \$300. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through 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:
No negative impact to general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule and the amendment to temporary rule, contact Shad Priest at 208/334-4250.

DATED this 10th day of November, 2009.

William W. Deal, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 8372, Boise ID 83720-0043
Phone: 208/334-4250 / Fax: 208/334-4398

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED FEE RULE***

EFFECTIVE DATE: The effective date of the temporary rule is **November 1, 2009.**

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 Sections 41-211, 41-401, and 41-5911(6), Idaho 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 October 21, 2009.

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:

House Bill 192 (Chapter 59, Title 41, Idaho Code) creates a process for external review of claim denials by health insurers. The law applies to health insurance policies issued on or after January 1, 2010, and requires that, upon request by a policyholder whose claim is denied for certain reasons, the Department of Insurance must assign the claim to a qualified Independent Review Organization (IRO). Organizations wishing to act as IROs must submit an application to the Department seeking approval and meet certain requirements, and must apply for reapproval every two years. This rulemaking imposes a fee of \$500 for

the initial application by an IRO and a \$300 fee for reapproval every two years.

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

The rule is necessary to protect the public health, safety, or welfare, and to comply with deadlines in amendments to governing law.

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:

Independent Review Organizations will be required to pay an initial approval fee of \$500 and a biennial reapproval fee of \$300. The fee is authorized by Section 41-5911(6), Idaho Code.

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 resulting from this rulemaking:

No negative fiscal impact to the general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes made by this rulemaking were needed to conform the existing rule to changes in state law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Shad Priest at 208-334-4250.

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 October 28, 2009.

DATED this 20th day of August, 2009.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

030. PRODUCER AND MISCELLANEOUS LICENSING FEES.

01. Original License Application. The following fees are due and must be paid with the filing application for original license, which fees include the issuance of a license, if issued:
(3-13-02)

- a. Administrators -- three hundred dollars (\$300). (7-1-00)
- b. Producers -- eighty dollars (\$80). (3-13-02)
- c. Designation as a managing general agent -- eighty dollars (\$80). (3-13-02)
- d. Adjusters -- eighty dollars (\$80). (3-13-02)
- e. Reinsurance intermediary -- eighty dollars (\$80). (3-13-02)
- f. Surplus line brokers -- eighty dollars (\$80). (3-13-02)
- g. Life settlement providers -- five hundred dollars (\$500). (7-1-09)T
- h. Life settlement brokers -- three hundred dollars (\$300). (7-1-09)T
- i. Independent review organization (~~biennial~~) -- five hundred dollars (\$500) ~~for~~
~~initial approval and three hundred dollars (\$300) for reapproval.~~ (~~11-1-09~~)T()

02. Examination Fees. The following fees are due and must be paid in order to take examinations for the following licenses: (3-13-02)

- a. Producers and adjusters -- application for examination and each time taken -- sixty dollars (\$60). (3-13-02)

03. Fingerprint Processing. Processing fingerprints (when required) -- sixty dollars (\$60). (7-1-00)

04. License Renewal. The following fees are due and must be paid for each license in order to renew or continue each and every license: (3-13-02)

- a. Adjusters, producers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. (3-16-04)

- b. Redesignation as managing general agent (annual) -- eighty dollars (\$80). (3-13-02)

- c. Administrators (biennial) -- eighty dollars (\$80). (3-19-07)

- i. Renewal form shall be filed on or before December 31. (3-19-07)

ii. Any renewal form postmarked after December 31 shall include a penalty in an amount equal to the renewal fee. (3-19-07)

iii. A renewal form postmarked after January 31 must be submitted as a new application with supporting documents and the full application fee. (3-19-07)

- d.** Surplus line brokers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. (3-16-04)
- e.** Life settlement providers (biennial) -- three hundred dollars (\$300). (7-1-09)T
- f.** Life settlement brokers (biennial) -- eighty dollars (\$80). (7-1-09)T
- g.** Independent review organization (biennial) -- ~~five hundred dollars (\$500) for initial application for approval and~~ three hundred dollars (\$300) ~~for reapproval.~~
(~~11-1-09~~)T()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-4106, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 174 through 185.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4113, Idaho Code:

The Board is increasing the license renewal fee from \$250 to \$350.

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

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

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED FEE RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 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 October 21, 2009.

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 nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Real Estate Appraisers is updating the incorporation by reference to reflect the current Uniform Standards of Professional Appraisal Practice (USPAP) edition. It is updating the web address for the Board as it has changed. It corrects code references. To eliminate ambiguity, it clarifies the definition of a classroom hour and a residential unit. It increases the license renewal fee from \$250 to \$350 to meet the Board's increased operating costs. It adds a lack of activity section to allow for termination of incomplete applications upon notification. It clarifies the requirements for licensure as established by the federal Appraisal Qualifications Board. It clarifies continuing education for registered trainees. It corrects education classroom hours for residential appraisers to be in compliance with the Appraisal Qualifications Board (AQB). It clarifies education requirements for general appraisers to be in compliance with the AQB. It clarifies continuing education (CE) requirements. It provides an exemption from CE for health or other good cause as determined by the Board.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The Board is increasing the license renewal fee from \$250 to \$350.

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 resulting from this rulemaking:

The Board of Real Estate Appraisers is raising the license renewal fee from \$250 to \$350. This could have a positive impact of \$76,800 on dedicated funds based on 768 licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

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

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 October 28, 2009.

DATED this 17th day of August, 2009.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled "Uniform Standards of Professional Appraisal Practice (USPAP)," ~~2008~~ 2010-2011 Edition published by the Appraisal Foundation and effective ~~January 1~~ April 3, 2008 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. ~~(5-8-09)~~()

005. ADDRESS OF THE IDAHO REAL ESTATE APPRAISER BOARD (RULE 5).

The office of the Real Estate Appraiser Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is rea@ibol.idaho.gov. The Board's official web site address ~~is~~ can be found at <http://ibol.idaho.gov/rea.htm>. ~~(3-30-07)~~()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 10).

The definitions numbered one through ~~nineteen~~ sixteen (1-~~126~~), appearing at Section 54-4104, Idaho Code are incorporated herein by reference as if set forth in full. ~~(7-1-93)~~()

01. Advisory Committee. A committee of state certified or licensed real estate appraisers appointed by the board to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education and examination requirements that are appropriate for each classification of state certified or licensed real estate appraiser. (7-1-93)

02. Appraisal Foundation. The Appraisal Foundation means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois. (7-1-97)

03. Appraiser Qualifications Board. Appraiser Qualifications Board of the Appraisal Foundation establishes the qualifications criteria for licensing, certification and recertification of appraisers. (7-1-97)

04. Appraisal Standards Board. The Appraisal Standards Board of the Appraisal

Foundation develops, publishes, interprets and amends the Uniform Standards of Professional Appraisal Practice (USPAP) on behalf of appraisers and users of appraisal services. (7-1-97)

05. Bureau. The Bureau means the Bureau of Occupational Licenses, as prescribed in Sections 54-4106(2)(a) and 67-2601, Idaho Code. (3-13-02)

06. Chief. The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-93)

07. Classroom Hour. Fifty (50) minutes out of each sixty (60) minute hour in a setting that is a face-to-face exchange of ideas and may include on-line virtual classrooms that allows real time interaction between the instructor and students. (~~7-1-93~~)()

08. Field Real Estate Appraisal Experience. Personal inspections of real property, assembly and analysis of relevant facts, and by the use of reason and the exercise of judgement, formation of objective opinions as to the market or other value of such properties or interests therein and preparation of written appraisal reports or other memoranda showing data, reasoning, and conclusion. Professional responsibility for the valuation function is essential. (4-6-05)

09. FIRREA. Title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989 was designed to ensure that more reliable appraisals are rendered in connection with federally related transactions. (7-1-93)

10. Nationally Recognized Appraisal Organization. An appraisal organization which is a sponsor of The Appraisal Foundation. (4-2-08)

11. Real Estate. In addition to the previous definition in Section 54-4104(~~711~~), Idaho Code, will also mean an identified parcel or tract of land, including improvements, if any. (~~7-1-93~~)()

12. Real Property. In addition to the previous definition in Section 54-4104(~~811~~), Idaho Code, will also mean one or more defined interests, benefits, or rights inherent in the ownership of real estate. (~~7-1-93~~)()

13. Residential Unit. Real estate with a current highest and best use of a residential nature. A residential unit includes a kitchen and a bathroom. (~~7-1-93~~)()

14. Specialized Appraisal Services. Services which include situations in which an appraiser is employed or retained to provide appraisal services that do not fall within the defined term "appraisal assignments." Specialized appraisal services relate to the employer's or client's individual needs or investment objectives and commonly include specialized marketing and financing studies as well as analysis, opinions, and conclusions rendered in connection with activities such as real estate brokerage, mortgage banking, and real estate counseling, including real estate tax counseling. (7-1-97)

15. Uniform Standards of Professional Appraisal Practice or USPAP. Those uniform standards adopted by the Appraisal Foundation's Appraisal Standards Board. These standards may be altered, amended, interpreted, supplemented, or repealed by the Appraisal

Standards Board (ASB) from time to time. (3-13-02)

16. USPAP Course. For the purposes of licensure and license renewal, any reference to the approved USPAP course shall mean the National USPAP Course provided by Appraisal Qualifications Board Certified USPAP Instructors and Educational Providers. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

150. FEES (RULE 150).

Fees are established in accord with Section 54-4113, Idaho Code as follows: (7-1-93)

- 01. Application.** Application fee for License - two hundred fifty dollars (\$250). (4-11-06)
- 02. Original License.** Original License - one hundred twenty-five dollars (\$125*). (4-11-06)
- 03. License Renewal.** License renewal - ~~two~~ three hundred fifty dollars (\$~~250~~350*). (~~4-11-06~~)()
- 04. Reinstatement.** Reinstatement fees are as provided in Section 67-2614, Idaho Code - twenty-five dollars (\$25). (7-1-93)
- 05. Application for Reciprocity.** Application for reciprocity - two hundred fifty dollars (\$250*). (3-30-01)
- 06. Original License Via Reciprocity.** Original License via reciprocity - one hundred twenty-five dollars (\$125*). (4-11-06)
- 07. Temporary Permit.** Temporary permit - one hundred dollars (\$100). (7-1-93)
- 08. Trainee Registration Fee.** Trainee registration fee - fifty dollars (\$50). (3-13-02)
- 09. Examination and Reexamination Fees.** Examination and Reexamination fees will be calculated based on the actual cost of the examination. Successful applicants will be notified of the fees at the time they are scheduled for examination. (7-1-97)
- 10. Fees are Non-Refundable.** Fees are non-refundable. (7-1-93)
- 11. Fees Followed By Asterisk (*) Means.** Proposed fees for these categories marked with an asterisk (*) include twenty five-dollars (\$25) to be submitted by the state to the federal government. Title XI, Section 1109 requires each state to submit a roster listing of state licensed appraisers to the Appraiser Subcommittee “no less than annually.” The state is also required to collect from such individuals who perform appraisals in federally related transactions an annual registry fee of “not more than twenty five dollars (\$25),” such fees to be transmitted by the state to

the federal government on an annual basis. (4-11-06)

151. -- 199. (RESERVED).

200. APPLICATION (RULE 200).

01. Filing Application with Supporting Documents and Fees. Any person desiring to apply for licensure must submit a completed application with required supporting documents and appropriate fees to the Bureau at its official address. After the qualifications have been reviewed, verified and approved by the Board, the applicant will receive the pre-approved examination application and must submit the appropriate fees to the examining entity. (4-11-06)

02. Application Deadline Date. Completed applications must be received by the Bureau at least thirty (30) days prior to the next scheduled board meeting in order to be reviewed by the Board. Applications received less than thirty (30) days in advance will be held until a subsequent meeting. (3-13-02)

03. Eligibility for Examination. The qualified applicant will be assigned to the first available examination subsequent to the determination of eligibility based on documentation that the applicant has met the required education and experience requirements. (4-11-06)

04. Trainee Registration Application. Any person desiring registration as a trainee must submit a completed application with required supporting documents and appropriate fees to the Bureau at its official address. Completed applications must be received by the Bureau at least thirty (30) days prior to the next scheduled Board meeting in order to be reviewed by the Board. (3-13-02)

05. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon thirty (30) days written notice, unless good cause is established to the Board. ()

201. -- 249. (RESERVED).

250. REQUIREMENTS FOR LICENSURE (RULE 250).

All applicants for licensure in any real estate appraiser classification must comply with the following education, experience and examination requirements in addition to meeting those requirements set forth in Sections 275, 300, 350, and 400 below. (4-11-06)

01. Education. If an individual has completed the education requirements on or before December 31, 2007, the individual must submit a complete application to the board before January 1, 2011. If an individual has not completed their educational requirement on or before December 31, 2007, or submits an application on January 1, 2011 or later, the individual must complete the educational requirements which became effective January 1, 2008 and any subsequent requirements adopted prior to the individual's application date. Hours will be credited only for courses with content that follows the Required Core Curriculum as outlined by the Appraisal Qualification Board. (4-2-08)

- a.** Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least fifteen (15) hours, and the individual successfully completes a closed-book examination pertinent to the educational offering. (4-11-06)
- b.** Credit for the classroom hour requirement may be obtained from the following: (7-1-97)
- i. Colleges or Universities. (7-1-97)
 - ii. Community or Junior Colleges. (7-1-97)
 - iii. Courses approved by the Appraisal Qualifications Board. (4-2-08)
 - iv. State or Federal Agencies or Commissions. (7-1-97)
 - v. Other providers approved by the Board. (7-1-97)
- c.** Only those courses completed preceding the date of application will be accepted for meeting educational requirements. (3-18-99)
- d.** Course credits that are obtained from the course provider by challenge examination without attending the course will not be accepted. (4-11-06)
- e.** Prior to January 1, 2008, ~~Various~~ appraisal courses may be credited toward the classroom hour education requirement. Applicants must demonstrate that their education involved coverage of those topics listed in Subsection 250.01.e. that are required for the license classification for which application is being made. Licensed Residential and Certified Residential must include emphasis in one (1) to four (4) unit residential properties; Certified General must include emphasis in nonresidential properties. (~~4-11-06~~)()
- i. Basic appraisal principles. (4-11-06)
 - ii. Basic appraisal procedures. (4-11-06)
 - iii. The fifteen (15) hour national USPAP course. (4-11-06)
 - iv. Market analysis and highest and best use. (4-11-06)
 - v. Appraiser site valuation and cost approach. (4-11-06)
 - vi. Sales comparison approach. (4-11-06)
 - vii. Sales income approach. (4-11-06)
 - viii. Report writing and case studies. (4-11-06)
 - ix. Statistics, modeling and finance. (4-11-06)

- x. Advanced applications and case studies. (4-11-06)
- xi. Appraisal subject matter electives. (4-11-06)
- f. Advanced courses will be those courses for which an introductory or basic course is required as a prerequisite. Typically classes titled “Introductory,” “Basic,” or “Principles” will not be accepted for advanced requirements. (4-11-06)
- 02. Experience.** (7-1-97)
- a. The work product claimed for experience credit must be in conformity with the USPAP or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared. (3-13-02)
- b. All appraisal experience must be obtained as a registered trainee or as a licensed appraiser. (4-11-06)
- c. Only experience gained during the five (5) years immediately preceding application will be considered for evaluation. (4-11-06)
- d. Acceptable non field appraisal experience includes, but is not limited to the following: Fee and Staff appraisal analysis, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, review appraisal, real estate counseling, highest and best use analysis, and feasibility analysis/study. (4-11-06)
- e. Each applicant applying for licensure must verify completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form provided by the Board. (4-11-06)
- i. The Board requires submission of a log that details hours claimed for experience credit. The log must include the following: ()
 - (1) Type of property; ()
 - (2) Address of the property; ()
 - (3) Report date; ()
 - (4) Description of work performed; *and* ()
 - (5) Number of work hours; (~~4-11-06~~)()
 - (6) Complexity; ()
 - (7) Approaches to value; ()
 - (8) Appraised value; ()

(9) Scope of supervising appraiser's review; and ()

(10) Supervision. ()

ii. The Board reserves the right to contact an employer for confirmation of length and extent of experience claimed. This may require an employer to submit appraisal reports and/or an affidavit. (7-1-97)

iii. The Board may request submission of written reports or file memoranda that substantiate an applicant's claim for experience credit. (4-11-06)

f. Ad valorem tax appraisers must demonstrate the use of techniques to value properties similar to those used by appraisers and effectively use the process as defined in Subsection 010.408, Field Real Estate Appraisal Experience in order to receive experience credit. (~~4-11-06~~)()

03. Examination. Successful completion of an examination appropriate to the license classification being applied for and approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. (4-11-06)

251. -- 274. (RESERVED).

275. REGISTERED TRAINEE REAL ESTATE APPRAISER (RULE 275).

01. Qualification. Each applicant for registration as an appraiser trainee must meet the following requirements: (4-11-06)

a. Education. Beginning July 1, 2006, all applicants for registration as a trainee must document completion of at least seventy-five (75) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)

i. Basic Appraisal Principles - not less than thirty (30) hours specifically including Real Property Concepts and Characteristics, Legal Considerations, Influences on Real Estate Values, Types of Value, Economic Principles, Overview of Real Estate Markets and Analysis, and Ethics and How They Apply in Appraisal Theory and Practice; and (4-11-06)

ii. Basic Appraisal Procedures - not less than thirty (30) hours specifically including Overview of Approaches to Value, Valuation Procedures, Property Description, and Residential Applications; and (4-11-06)

iii. National USPAP Course - not less than fifteen (15) hours. (4-11-06)

b. Experience. All applicants for registration as a trainee must retain and identify at least one (1) licensed real estate appraiser who agrees to provide the supervision required by law and rule. The supervising appraiser shall: (4-11-06)

i. Hold a current and unrestricted Idaho license as a Certified Residential Appraiser or a Certified General Appraiser; and (4-11-06)

ii. Submit evidence of completion of an approved four-hour continuing education course regarding the role of a supervising appraiser. ()

iii. Not have been disciplined by the Board within the previous four (4) years from acting as a supervisor; and (4-11-06)

iiii. Not be registered to provide supervision responsibilities to more than three (3) appraiser trainees at any one (1) time; and (4-11-06)

v. Be responsible for the training and direct supervision of the appraiser trainee; and (4-11-06)

vi. Accept responsibility for all appraisal reports by signing and certifying that the report is in compliance with USPAP; and (4-11-06)

vii. Review all appraiser trainee appraisal report(s); and (4-11-06)

viii. Personally inspect each appraised property with the appraiser trainee until the supervising appraiser determines the appraiser trainee is competent in accordance with the Competency Provision of USPAP for the property type. (4-11-06)

c. Examination. Each trainee applicant shall document successful passage of examinations in each of the prerequisite courses required for registration as a trainee. (4-11-06)

02. Scope and Practice. An Appraiser Trainee shall not be involved in the appraisal of any property that exceeds the lawful scope of practice of the supervising appraiser. The appraiser trainee shall be subject to USPAP. (4-11-06)

a. Each appraiser trainee is permitted to have more than one (1) supervising appraiser provided a supervising appraiser is not registered to more than three (3) trainees at any one (1) time. (4-11-06)

b. An appraisal log shall be maintained for each supervising appraiser by the appraiser trainee and shall include no less than the following for each appraisal: (4-11-06)

i. Type of property. (4-11-06)

ii. Date of report. (4-11-06)

iii. Address of subject property. (4-11-06)

iv. Description of work performed by the trainee and the scope of review and supervision of the supervisor. (4-11-06)

v. Number of work hours. (4-11-06)

vi. Signature and license number of the supervising appraiser. (4-11-06)

c. An appraiser trainee shall be entitled to obtain copies of all appraisal reports prepared by the trainee. (4-11-06)

03. Continuing Education. Prior to the second renewal ~~of~~ and for each renewal thereafter, an appraiser trainee ~~registration the appraiser trainee~~ shall be required to obtain: (4-11-06)()

a. The equivalent of fifteen (15) classroom hours of instruction in approved courses or seminars during the twelve (12) month period preceding the renewal. Once every twenty-four (24) months, registered appraiser trainees will be required to attend an approved seven-hour USPAP update course or the equivalent. (4-11-06)()

b. All continuing education shall be in compliance with Subsections 401.01 through 401.035. (4-11-06)()

c. 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 that are determined to be equivalent to obtaining continuing education. (4-11-06)

d. The purpose of continuing education is to ensure that the appraiser trainee participates in a program that maintains and increases skill, knowledge and competence in real estate appraising. (4-11-06)

276. -- 299. (RESERVED).

300. LICENSED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 300).

The state licensed residential real estate appraiser classification applies to the appraisal of residential real property consisting of one (1) to four (4) noncomplex residential units having a transaction value less than one million dollars (\$1,000,000) and complex one (1) to four (4) residential units having a transaction value less than two hundred fifty thousand dollars (\$250,000). Applicants must meet the following education, experience and examination requirements in addition to complying with Section 250. Subsequent to being licensed, every licensee must annually meet the continuing education requirement. (4-11-06)

01. Education. Prior to January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Licensed Real Estate Appraiser, each applicant shall present evidence satisfactory to the board of having successfully completed not less than ninety (90) classroom hours of courses in subjects related specifically to real estate appraisal that have been approved by the board. Each applicant must have successfully completed not less than seventy-five (705) classroom hours of study related to those topics outlined under Subsection 250.01.e., the basic principles of real estate appraising. Not less than fifteen (15) and no more than twenty (20) classroom hours of studies within the last five (5) years specifically relating to the USPAP, and Code of Ethics will be credited to the classroom hour requirement. Beginning on January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Licensed Residential Real Estate Appraiser, each applicant shall: (3-30-07)()

- a. Document registration as an Appraiser Trainee; and (4-11-06)
- b. Document the successful completion of not less than seventy-five (75) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)
 - i. Residential Market Analysis and Highest and Best Use - not less than fifteen (15) hours; and (4-11-06)
 - ii. Residential Appraiser Site Valuation and Cost Approach - not less than fifteen (15) hours; and (4-11-06)
 - iii. Residential Sales Comparison and Income Approaches - not less than thirty (30) hours specifically including Valuation Principles and Procedures - Sales Comparison Approach; Valuation Principles and Procedures - Income Approach; Finance and Cash Equivalency; Financial Calculator Introduction; Identification, Derivation and Measurement of Adjustments; Gross Rent Multipliers; Partial Interests; Reconciliation; and Case Studies; and (4-11-06)
 - iv. Residential Report Writing and Case Studies - not less than fifteen (15) hours specifically including Writing and Reasoning Skills; Common Writing Problems; Form Reports; Report Options and USPAP Compliance; Case Studies. (4-11-06)
- 02. Experience.** Prerequisite to sit for the examination: (7-1-97)
 - a. Document two thousand (2,000) hours of supervised appraisal experience as a registered Appraiser Trainee in no less than twelve (12) months. Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (4-11-06)
 - b. Of the required two thousand (2,000) hours, the applicant must accumulate a minimum of one thousand five hundred (1,500) hours from field real estate appraisal experience. The balance of five hundred (500) hours may include non field experience, refer to Subsection 250.02.d. (4-11-06)
- 03. Examination.** Successful completion of the Licensed Residential Appraiser examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

400. CERTIFIED GENERAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 400).

The State Certified General Real Estate Appraiser classification applies to the appraisal of all types of real property. Applicants must meet the following examination, education, and experience requirements in addition to complying with Section 250. Subsequent to being

certified, an individual must meet the continuing education requirement. (4-2-08)

01. Education. Prior to January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho State Certified General Real Estate Appraiser, each applicant shall present evidence satisfactory to the board of having successfully completed not less than one hundred eighty (180) classroom hours of courses in subjects related specifically to real estate appraisal approved by the board. Each applicant must have successfully completed not less than one hundred sixty (160) classroom hours of study related to those topics outlined under Subsection 250.01.e. Not less than fifteen (15) and no more than twenty (20) classroom hours of studies within the last five (5) years specifically relating to the USPAP, and Code of Ethics; and one hundred (100) classroom hours of advanced non residential specialized courses relating to the topics specified at Subsection 250.01.e. Beginning on January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Certified General Real Estate Appraiser, each applicant shall: (3-30-07)

a. Hold a Bachelors Degree or higher from an accredited college or university or document successful completion of no less than thirty (30) college semester credit hours in English Composition, Micro Economics, Macro Economics, Finance, Algebra, Geometry or higher mathematics, Statistics, Computer Science, and Business or Real Estate Law, and two (2) elective courses in accounting, geography, ageconomics, business management, or real estate; and (4-2-08)

b. Document registration as an Appraiser Trainee ~~or licensure as a Licensed Residential Real Estate Appraiser or licensure as a Certified Residential Real Estate Appraiser;~~ and document the successful completion of not less than two hundred twenty-five (225) classroom hours of courses in subjects related to real estate appraisal as follows: ~~(4-11-06)~~()

i. Statistics, Modeling and Finance: not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; ()

ii. General Appraiser Market Analysis and Highest and Best Use: not less than thirty (30) hours; ()

iii. General Appraiser Sales Comparison Approach: not less than thirty (30) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; ()

iv. General Appraiser Site Valuation and Cost Approach: not less than thirty (30) hours; ()

v. General Appraiser Income Approach: not less than sixty (60) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; ()

vi. General Appraiser Report Writing and Case Studies: not less than thirty (30) hours

specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and ()

vii. Appraisal Subject Matter Electives: not less than thirty (30) hours and may include hours over the minimum shown in Subsection 400.01.b.; or ()

c. Document licensure as a Licensed Residential Real Estate Appraiser and the successful completion of not less than ~~two~~ one hundred ~~ten~~ fifty (210150) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)()

i. Statistics, Modeling and Finance: not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (4-11-06)

ii. General Appraiser Market Analysis and Highest and Best Use: not less than ~~thirty~~ fifteen (3015) hours; and (4-11-06)()

iii. General Appraiser Sales Comparison Approach: not less than ~~thirty~~ fifteen (3015) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and (4-11-06)()

iv. General Appraiser Site Valuation and Cost Approach: not less than ~~thirty~~ fifteen (3015) hours; and (4-11-06)()

v. General Appraiser Income Approach: not less than ~~sixty~~ forty-five (6045) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and (4-11-06)()

vi. General Appraiser Report Writing and Case Studies: not less than ~~thirty~~ fifteen (3015) hours specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and (4-11-06)()

vii. Appraisal Subject Matter Electives: not less than thirty (30) hours and may include hours over the minimum shown in Subsection 400.01.c.; or ()

d. Document licensure as a Certified Residential Real Estate Appraiser and the successful completion of not less than one hundred five (105) classroom hours of courses in subjects related to real estate appraisal as follows: ()

i. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and ()

ii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and ()

iii. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and ()

iv. General Appraiser Income Approach: not less than forty-five (45) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and ()

v. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies. ()

02. Experience. Experience is a prerequisite to sit for the licensure examination: (4-11-06)

a. Document three thousand (3,000) hours of appraisal experience in no less than thirty (30) months (See Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (4-11-06)

b. One thousand five hundred (1,500) hours of the experience must be nonresidential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of nonfield experience as outlined in Subsection 250.02.d. (4-11-06)

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. If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee only will receive continuing education credit for one (1) of the courses. ~~(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 twenty-four (24) months, ~~an~~ Idaho State Certified/Licensed Real Estate Appraisers and registered trainees will be required to attend an approved seven (7) hour USPAP update course or the equivalent. ~~(5-8-09)~~()

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. Credit for educational processes and programs continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period. (4-2-08)

04. Credit for Attending the Licensure Board Meetings. Continuing education credit may be granted for a maximum of two (2) hours each renewal period for time spent attending one (1) Board meeting. Members of the board shall not be entitled to continuing education credit for board service. (4-2-08)

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)

06. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. The appraiser must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board.()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.22.01 - RULES OF THE IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-5310, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 189 and 190.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-5308 and 54-5313, Idaho Code:

The Liquefied Petroleum Gas Safety Board is increasing the facility license fee and annual renewal fee from \$50 to \$100, increasing the bulk storage facility license fee and annual renewal fee from \$200 to \$400, increasing the dealer license and renewal fee from \$50 to \$75, and increasing the endorsement fee from \$50 to \$75.

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

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

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED FEE RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5310, Idaho 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 October 21, 2009.

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 nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Liquefied Petroleum Gas Safety Board is proposing changes that will update the web address for the board as it has changed. The board was established in 2005. The costs of getting the program started were higher than anticipated due to the time required to inspect facilities and educate individuals regarding compliance. Many facilities had to be inspected several times. As facilities comply, the number of inspections should decrease. A fee increase is necessary because the Board operates on dedicated funds and the fees have not supported the program. At the end of fiscal year 2009, the Board had a deficit of over \$132,000. Fewer inspections and higher fees will allow the Board's revenues to be closer to its expenditures and begin eliminating the deficit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The Liquefied Petroleum Gas Safety Board is increasing the facility license fee and annual renewal fee from \$50 to \$100, increasing the bulk storage facility license fee and annual renewal fee from \$200 to \$400, increasing the dealer license and renewal fee from \$50 to \$75, and increasing the endorsement fee from \$50 to \$75.

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 resulting from this rulemaking:

The fee increases being proposed could mean an increase in dedicated funds of approximately \$33,750 based on 558 licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact

Cherie Simpson at (208) 334-3233.

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 October 28, 2009.

DATED this 14th day of August, 2009.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

005. ADDRESS OF IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD (RULE 5).

The office of the Idaho State Liquefied Petroleum Gas Safety Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is lpdg@ibol.idaho.gov. The Board's official web site ~~is~~ can be found at <http://www.ibol.idaho.gov/Ipdg.htm>. (~~3-30-06~~)()

(BREAK IN CONTINUITY OF SECTIONS)

150. APPLICATION (RULE 150).

01. Application Form. Each applicant for a license shall submit a complete application on application forms approved by the Board together with the required fee(s). ()

02. Supplemental Documents. The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. (~~3-30-06~~)()

03. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon thirty (30) days written notice, unless good cause is established to the Board. ()

151. – 174. (RESERVED).

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application fee - thirty dollars (\$30). (3-30-06)

02. Original Individual License and Annual Renewal Fee. License fee - ~~fifty~~ seventy-five dollars (~~\$50~~75). (~~3-30-06~~)()

- 03. Original Facility License Fee and Annual Renewal Fee.** Facility with ten thousand (10,000) gallon or less storage capacity - ~~fifty~~ one hundred dollars (\$~~50~~100).
(~~3-30-06~~)()
- 04. Original Bulk Storage Facility Fee and Annual Renewal Fee.** Bulk Storage Facility with more than ten thousand (10,000) gallon storage capacity - ~~two~~ four hundred dollars (\$~~2~~400).
(~~3-30-06~~)()
- 05. Endorsement Fee.** Endorsement fee - ~~fifty~~ seventy-five dollars (\$~~50~~75).
(~~3-30-06~~)()
- 06. Reinstatement Fee.** Reinstatement fee - fifty dollars (\$50). (3-30-06)
- 07. Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license. (3-30-06)

IDAPA 33 - IDAHO REAL ESATE COMMISSION

33.01.03 - RULES GOVERNING SUBDIVIDED LANDS REGISTRATION

DOCKET NO. 33-0103-0901 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 55-1811, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 312 through 314.

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:

Revenues deposited with the treasury and credited to the Special Real Estate Fund would be reduced by an estimated \$6,000 for FY2010/11.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285.

DATED this 2nd day of November, 2009.

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

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 55-1811, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

THURSDAY, OCTOBER 29, 2009 -- 10:00 a.m.

IDAHO REAL ESTATE COMMISSION
633 N. Fourth Street, Boise, Idaho

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rulemaking would establish a new rules chapter governing the Real Estate Commission's administration of the Subdivided Lands Act. The rule will also establish the reduction in registration fees under the Commission's proposed legislation to encourage use of the on-line documents management system.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No new fee or increase is being imposed. The proposed rule would provide that all registration application fees prescribed in Section 55-1809, Idaho Code, be reduced by 25% for applicants who file using the web-based document management system sponsored by the Association of Real Estate License Law Official.

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 as a result of this rulemaking:

Revenues deposited with the treasury and credited to the Special Real Estate Fund would be reduced by an estimated \$6,000 for FY2010/11.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the rule seeks only to reduce fees and is non controversial.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact: Jeanne Jackson-Heim, Executive Director, Idaho Real Estate Commission, Phone: (208) 334-3285; toll free in Idaho (866) 447-5411; Fax: (208) 334-2050.

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 October 28, 2009.

DATED this 20th day of August, 2009.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

IDAPA 33
TITLE 01
CHAPTER 03

33.01.03 - RULES OF THE IDAHO REAL ESTATE COMMISSION
GOVERNING REGISTRATION OF SUBDIVIDED LANDS

GENERAL PROVISIONS

RULES 000 -- 009

000. LEGAL AUTHORITY.

The Rules of the Idaho Real Estate Commission governing registration of subdivided lands contained herein have been adopted pursuant to Section 55-1811(1), Idaho Code. Any violation of these rules, or of any provision of Chapter 18, Title 55, shall be sufficient cause for disciplinary action as prescribed in Sections 55-1811 through 55-1823, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 33.01.03, "Rules of the Idaho Real Estate Commission Governing Registration of Subdivided Lands," IDAPA 33, Title 01, Chapter 03. ()

02. Scope. These rules contain the requirements for implementation and enforcement of the Subdivided Lands Disposition Act, contained in Chapter 18, Title 55, Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), this agency has written statements which pertain to the interpretation of the rules of this chapter, or to documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the Idaho Real Estate Commission, 633 North 4th Street, Boise, Idaho, 83702. ()

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by IDAPA 33.01.03.000 et seq., “Rules of Practice and Procedure of the Idaho Real Estate Commission.” ()

004. INCORPORATION BY REFERENCE.

There are no materials incorporated by reference. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS.

01. Office Hours. The office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. ()

02. Mailing Address. The mailing address is P.O. Box 83720, Boise Idaho 83720-0077. ()

03. Street Address. The Commission’s street address is 633 North Fourth Street, Boise, Idaho 83702. ()

04. Telephone Numbers. The Commission can be reached by telephone at (208) 334-3285 and by fax at (208) 334-2050. A toll-free number for JTRS Relay Service (telecommunications for the hearing impaired) is 1- 800-377-3529. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with these rules are subject to the provisions of the Public Records Act, Title 9, Idaho Code. ()

007. -- 099. (RESERVED).

APPLICATION FOR REGISTRATION

RULES 100 -- 999

100. REGISTRATION FEES.

The application fees prescribed in Section 55-1809, Idaho Code, including the maximum fee, shall be reduced by twenty-five percent (25%) for any applicant that submits the required filings using the web-based document management system sponsored by the Association of Real Estate License Law Officials. The reduction does not apply to any late fee. ()

101. -- 999. (RESERVED).