

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

In the matter of the amendment of)
ARM 24.207.504 approval of) NOTICE OF PUBLIC HEARING ON
qualifying and continuing education) PROPOSED AMENDMENT
courses)

TO: All Concerned Persons

1. On February 23, 2021, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/92854186033>, Meeting ID: 928 5418 6033, Passcode: 022220; or
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656, Meeting ID: 928 5418 6033, Passcode: 022220.

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Real Estate Appraisers no later than 5:00 p.m., on February 16, 2021, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsirea@mt.gov (board's e-mail).

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.207.504 APPROVAL OF QUALIFYING AND CONTINUING EDUCATION COURSES (1) through (12) remain the same.

~~(13) A webinar is not acceptable for continuing education credit, whether or not the webinar is approved by the Appraiser Qualifications Board (AQB).~~

(14) and (15) remain the same but are renumbered (13) and (14).

AUTH: 37-1-131, 37-1-319, 37-54-105, MCA

IMP: 37-1-131, 37-1-306, 37-54-105, 37-54-202, MCA

REASON: The board determined that the prohibition in (13) is antiquated and that barring licensees from accessing desirable and beneficial continuing education (CE) courses which are not otherwise available in Montana is no longer practical, desired, or consistent with Appraiser Qualifications Board (AQB) guidance and regulations in sister jurisdictions. The board is aware licensees in rural states including Montana have limited in-person access to CE in areas of appraisal practice which would benefit and broaden practice expertise for appraisers serving Montana consumers. The board favors allowing licensees broader access to courses which meet the board's standards and that are offered through synchronous online learning platforms. Also, due to the COVID-19 pandemic, the AQB has advised that all continuing and qualifying education offerings, including new offerings, which are approved to be presented in traditional classroom settings may be converted to synchronous online delivery methods for CE and QE credit. Because (13) does not allow appraiser licensees to benefit from these offerings to meet their CE and QE requirements, the board is striking the provision from this rule.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsrea@mt.gov, and must be received no later than 5:00 p.m., February 26, 2021.

5. An electronic copy of this notice of public hearing is available at www.realestateappraiser.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

6. 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 that 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) 841-2305; e-mailed to dlibsrea@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.207.504 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; facsimile (406) 841-2305; or to dlibsrea@mt.gov.

9. Sharon Peterson, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF REAL ESTATE APPRAISERS
PETER FONTANA, CERTIFIED
RESIDENTIAL APPRAISER
PRESIDING OFFICER

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

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 19, 2021.