

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

In the matter of the amendment of)
ARM 24.207.203 and 24.207.504) NOTICE OF PUBLIC HEARING ON
pertaining to real property appraiser) PROPOSED AMENDMENT
qualification and continuing education)

TO: All Concerned Persons

1. On May 9, 2022, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rules. 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/86877013997>
Meeting ID: 868 7701 3997, Passcode: 833204
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 868 7701 3997, Passcode: 833204

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 May 2, 2022, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 711; facsimile (406) 841-2305; or dlibsrea@mt.gov (board's e-mail).

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

24.207.203 INCORPORATION BY REFERENCE OF THE REAL
PROPERTY APPRAISER QUALIFICATION CRITERIA (1) Except as stated in (3) and ARM 24.207.508 regarding ad valorem appraisal experience, the board adopts and incorporates by reference the Real Property Appraiser Qualification Criteria effective January 1, ~~2021~~ 2022, in its entirety, inclusive of the criteria, interpretations, guide notes, and Q&A, and Policy Statements, published by the Appraiser Qualifications Board of the Appraisal Foundation. The Real Property Appraiser Qualification Criteria are commonly referred to as the "AQB criteria." A copy of the criteria and policy statements are available from the Appraisal Foundation at

www.appraisalfoundation.org, or 1155 15th Street NW, Suite 1111, Washington, DC 20005.

(2) and (3) remain the same.

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

IMP: 37-1-131, 37-1-203, 37-1-321, 37-54-105, MCA

REASON: The Appraiser Qualifications Board (AQB) published a new version of the Real Property Appraiser Qualification Criteria effective January 1, 2022. The board determined it is reasonably necessary to amend this rule to incorporate the new version of the criteria.

24.207.504 APPROVAL OF QUALIFYING AND CONTINUING EDUCATION COURSES (1) through (11)(a) remain the same.

(b) an appropriate and complete application has been filed and approved by the board; and

~~(c) the distance education course provider must be certified by the International Distance Education Certification Center (IDECC) and provide appropriate documentation that the IDECC certification is in effect. Approval will cease immediately should IDECC certification be discontinued for any reason; and~~

(d) remains the same but is renumbered (c).

(12) through (14) remain the same.

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 is amending this rule to remove the single-source IDECC approval mechanism since the AQB has broadened acceptable course delivery mechanism sources. Since these other sources are stated in the AQB criteria and the board has adopted the criteria by reference, it is reasonably necessary to strike the IDECC reference.

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., May 13, 2022.

5. An electronic copy of this notice of public hearing is available at www.realestateappraiser.mt.gov. Although the department strives to keep its websites accessible at all times, concerned persons should be aware that websites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a website 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 wishing to have their

name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies the intent to receive notices of all board administrative rulemaking proceedings or a particular subject matter. The request must indicate whether e-mail or standard mail is preferred and 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 (406) 841-2305; e-mailed to dlibsrea@mt.gov; or by completing a request form at any rules hearing held by the board.

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 24.207.203 and 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. Department staff has been designated to preside over and conduct this hearing.

BOARD OF REAL ESTATE APPRAISERS
PETER FONTANA, CRA
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 April 5, 2022.