

AMENDMENTS TO LB 931

Introduced by Banking, Commerce and Insurance.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 76-2201, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           76-2201 Sections 76-2201 to 76-2250 and sections 5 and 6  
6 of this act shall be known and may be cited as the Real Property  
7 Appraiser Act.

8           Sec. 2. Section 76-2202, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           76-2202 ~~The Legislature finds that changes to the Real~~  
11 ~~Property Appraiser Act made by Laws 2006, LB 778, are necessary~~  
12 ~~to comply with the Appraiser Qualifications Board's Real Property~~  
13 ~~Appraiser Qualification Criteria, effective January 1, 2008.~~  
14 ~~Further, the increased educational standards required by Laws 2006,~~  
15 ~~LB 778, are due to the changes in the required core curriculum~~  
16 ~~necessitated by the 2008 eriteria.~~

17           The Legislature finds that as a result of the enactment  
18 of the Financial Institutions Reform, Recovery, and Enforcement  
19 Act of 1989, as the act existed on January 1, 2010, Nebraska's  
20 laws providing for regulation of real property appraisers require  
21 restructuring in order to comply with Title XI of the act.  
22 Compliance with the act is necessary to ensure an adequate number  
23 of appraisers in Nebraska to conduct appraisals of real estate

1 involved in federally related transactions as defined in the act.

2           Sec. 3. Section 76-2203, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           76-2203 For purposes of the Real Property Appraiser Act,  
5 the definitions found in sections 76-2204 to 76-2219 and sections 5  
6 and 6 of this act shall be used.

7           Sec. 4. Section 76-2206, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           76-2206 Appraisal report means any communication,  
10 written, ~~or~~ oral, or by electronic means, of an appraisal. The  
11 testimony of a real property appraiser dealing with the appraiser's  
12 analyses, conclusions, or opinions concerning identified real  
13 estate or identified real property is deemed to be an oral  
14 appraisal report.

15           Sec. 5. Federal financial institution regulatory agency  
16 means: (1) The Board of Governors of the Federal Reserve System;  
17 (2) the Federal Deposit Insurance Corporation; (3) the Office  
18 of the Comptroller of the Currency; (4) the Office of Thrift  
19 Supervision; (5) the National Credit Union Administration; or (6)  
20 the successors of any of those agencies.

21           Sec. 6. Federally-related transaction means a real  
22 estate-related transaction that: (1) Requires the services of an  
23 appraiser; and (2) is engaged in, contracted for, or regulated by a  
24 federal financial institution regulatory agency.

25           Sec. 7. Section 76-2209, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           76-2209 Broker's price opinion means an analysis,

1 opinion, or conclusion prepared by a person licensed under the  
2 Nebraska Real Estate License Act in the ordinary course of his or  
3 her business relating to the price of specified interests in or  
4 aspects of identified real estate or identified real property for  
5 the purpose of (1) listing, purchase, or sale or (2) obtaining,  
6 extending, or modifying financing in a transaction other than a  
7 federally-related transaction.

8           Sec. 8. Section 76-2211, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           76-2211 Comparative market analysis means an analysis,  
11 opinion, or conclusion prepared by a person licensed under the  
12 Nebraska Real Estate License Act in the ordinary course of his  
13 or her business relating to the price of specified interests in  
14 or aspects of identified real estate or identified real property  
15 by comparison to other real property currently or recently in the  
16 marketplace for the purpose of (1) listing, purchase, or sale or  
17 (2) obtaining, extending, or modifying financing in a transaction  
18 other than a federally-related transaction.

19           Sec. 9. Section 76-2213, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           76-2213 Licensed residential real property appraiser  
22 means a person who holds a valid credential as a licensed  
23 residential real property appraiser issued under the Real Property  
24 Appraiser Act. Licensed residential real property appraiser  
25 includes persons defined as licensed real property appraisers prior  
26 to the effective date of this act.

27           Sec. 10. Section 76-2213.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           76-2213.01 Uniform Standards of Professional Appraisal  
3 Practice means the standards promulgated by the Appraisal  
4 Foundation, as the standards existed on January 1, ~~2008~~, 2010.

5           Sec. 11. Section 76-2216, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           76-2216 Real property appraiser means a person (1) who  
8 engages in real property appraisal activity, (2) who advertises  
9 or holds himself or herself out to the general public as a real  
10 property appraiser, or (3) who offers, attempts, or agrees to  
11 perform or performs real property appraisal activity, with the  
12 ~~intention or upon the promise of receiving valuable consideration.~~  
13 Real property appraiser includes persons defined as real estate  
14 appraisers prior to July 14, 2006.

15           Sec. 12. Section 76-2221, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           76-2221 The Real Property Appraiser Act shall not apply  
18 to:

19           (1) Any real property appraiser who is a salaried  
20 employee of (a) the federal government, (b) any agency of the  
21 state government or a political subdivision which appraises real  
22 estate, (c) any insurance company authorized to do business in this  
23 state, or (d) any bank, savings bank, savings and loan association,  
24 building and loan association, credit union, or small loan company  
25 licensed by the state or supervised or regulated by or through  
26 federal enactments covering financial institutions, except that any  
27 employee of the entities listed in subdivisions (a) through (d) of

1 this subdivision who signs an appraisal report as a credentialed  
2 real property appraiser shall be subject to the act and the  
3 Uniform Standards of Professional Appraisal Practice. Any salaried  
4 employee of the entities listed in subdivisions (a) through (d)  
5 of this subdivision who does not sign an appraisal report as a  
6 credentialed real property appraiser shall include the following  
7 disclosure prominently with such report: This opinion of value may  
8 not meet the minimum standards contained in the Uniform Standards  
9 of Professional Appraisal Practice and is not governed by the Real  
10 Property Appraiser Act;

11 (2) A person licensed under the Nebraska Real Estate  
12 License Act who, in the ordinary course of his or her business,  
13 gives a broker's price opinion or comparative market analysis,  
14 except that such opinion or analysis shall not be referred  
15 to as an appraisal. A broker's price opinion or comparative  
16 market analysis prepared for an existing or potential lienholder  
17 obtaining, extending, or modifying financing in a transaction  
18 other than a federally-related transaction may not be used as the  
19 sole basis to determine the value of the real estate for the  
20 purpose of originating a loan secured by such real estate, and  
21 the person giving the opinion or analysis must be engaged directly  
22 by the lienholder or its agent. No compensation, fee, or other  
23 consideration shall be charged for such opinion or analysis other  
24 than a real estate commission or brokerage fee charged or paid for  
25 brokerage services rendered in connection with the sale of the real  
26 estate involved unless the opinion or analysis is in writing and  
27 carries contains or has attached thereto the following disclosure

1 in bold fourteen-point type: This opinion or analysis is not an  
2 appraisal. It is intended only for the benefit of the addressee  
3 for the purpose of assisting buyers or sellers or prospective  
4 buyers or sellers in deciding the listing, offering, or sale price  
5 of the real property ~~and not for any other purpose, including,~~  
6 ~~but not limited to, lending purposes.~~ or for lending purposes  
7 in a transaction other than a federally-related transaction. This  
8 opinion or analysis is not governed by the Real Property Appraiser  
9 Act, but is subject to enforcement through the Nebraska Real Estate  
10 License Act;

11 (3) Any person who provides assistance (a) in obtaining  
12 the data upon which an appraisal is based, (b) in the physical  
13 preparation of an appraisal report, such as taking photographs,  
14 preparing charts, maps, or graphs, or typing or printing the  
15 report, or (c) that does not directly involve the exercise of  
16 judgment in arriving at the analyses, opinions, or conclusions  
17 concerning real estate or real property set forth in the appraisal  
18 report;

19 (4) Any owner of real estate, employee of the owner,  
20 or attorney licensed to practice law in the State of Nebraska  
21 representing the owner who renders an estimate or opinion of value  
22 of the real estate or any interest in the real estate when such  
23 estimate or opinion is for the purpose of real estate taxation, or  
24 any other person who renders such an estimate or opinion of value  
25 when that estimate or opinion requires a specialized knowledge  
26 that a real property appraiser would not have, except that a real  
27 property appraiser or a person licensed under the Nebraska Real

1 Estate License Act is not exempt under this subdivision;

2 (5) Any owner of real estate, employee of the owner,  
3 or attorney licensed to practice law in the State of Nebraska  
4 representing the owner who renders an estimate or opinion of  
5 value of real estate or any interest in real estate or damages  
6 thereto when such estimate or opinion is offered as testimony in  
7 any condemnation proceeding, or any other person who renders such  
8 an estimate or opinion when that estimate or opinion requires a  
9 specialized knowledge that a real property appraiser would not  
10 have, except that a real property appraiser or a person licensed  
11 under the Nebraska Real Estate License Act is not exempt under this  
12 subdivision;

13 (6) Any owner of real estate, employee of the owner,  
14 or attorney licensed to practice law in the State of Nebraska  
15 representing the owner who renders an estimate or opinion of value  
16 of the real estate or any interest in the real estate when such  
17 estimate or opinion is offered in connection with a legal matter  
18 involving real property; or

19 (7) Any person appointed by a county board of  
20 equalization to act as a referee pursuant to section 77-1502.01,  
21 except that any person who also practices as an independent real  
22 property appraiser for others shall be subject to the Real Property  
23 Appraiser Act and shall be credentialed prior to engaging in such  
24 other appraising. Any appraiser appointed to act as a referee  
25 pursuant to section 77-1502.01 and who prepares an appraisal report  
26 for the county board of equalization shall not sign such appraisal  
27 report as a credentialed appraiser and shall include the following

1 disclosure prominently with such report: This opinion of value may  
2 not meet the minimum standards contained in the Uniform Standards  
3 of Professional Appraisal Practice and is not governed by the Real  
4 Property Appraiser Act.

5 Sec. 13. Section 76-2223, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 76-2223 The ~~board~~ Real Property Appraiser Board shall  
8 administer and enforce the Real Property Appraiser Act and may:

9 (1) Receive applications for credentialing under the act,  
10 process such applications and regulate the issuance of credentials  
11 to qualified applicants, and maintain a directory of the names and  
12 addresses of persons who receive credentials under the act;

13 (2) Hold meetings, public hearings, informal conferences,  
14 and administrative hearings, prepare or cause to be prepared  
15 specifications for all appraiser classifications, solicit bids  
16 and enter into contracts with one or more ~~educational~~ testing  
17 services, ~~or organizations for the preparation of a bank of~~  
18 ~~questions and answers for examinations,~~ and administer or contract  
19 for the administration of examinations approved by the Appraiser  
20 Qualifications Board in such places and at such times as deemed  
21 appropriate;

22 (3) Develop the specifications for credentialing  
23 examinations, including timing, location, and security necessary to  
24 maintain the integrity of the examinations;

25 (4) Review ~~from time to time~~ the procedure for selecting  
26 ~~individual questions from the bank of questions for use in~~  
27 ~~connection with each scheduled examination and review from time~~



1 to time the questions in the bank of questions and the related  
2 answers to ascertain that they meet the specifications established  
3 by the board, the procedures and criteria of a contracted testing  
4 service to ensure that the testing meets with the approval of the  
5 Appraiser Qualifications Board;

6 (5) Collect all fees required or permitted by the act.  
7 The board Real Property Appraiser Board shall remit all such  
8 receipts to the State Treasurer for credit to the Real Property  
9 Appraiser Fund. In addition, the board may collect and transmit  
10 to the appropriate federal authority any fees established under  
11 the Financial Institutions Reform, Recovery, and Enforcement Act of  
12 1989, as the act existed on January 1, ~~2008~~, 2010;

13 (6) Establish appropriate administrative procedures for  
14 disciplinary proceedings conducted pursuant to the Real Property  
15 Appraiser Act;

16 (7) Issue subpoenas to compel the attendance of witnesses  
17 and the production of books, documents, records, and other papers,  
18 administer oaths, and take testimony and require submission of and  
19 receive evidence concerning all matters within its jurisdiction.  
20 In case of disobedience of a subpoena, the board Real Property  
21 Appraiser Board may make application to the district court of  
22 Lancaster County to require the attendance and testimony of  
23 witnesses and the production of documentary evidence. If any  
24 person fails to obey an order of the court, he or she may be  
25 punished by the court as for contempt thereof;

26 (8) Deny, censure, suspend, or revoke an application or  
27 credential if it finds that the applicant or credential holder has

1 committed any of the acts or omissions set forth in section 76-2238  
2 or otherwise violated the act. Any disciplinary matter may be  
3 resolved through informal disposition pursuant to section 84-913;

4 (9) Take appropriate disciplinary action against a  
5 credential holder if the ~~board~~ Real Property Appraiser Board  
6 determines that a credential holder has violated any provision  
7 of the act or the Uniform Standards of Professional Appraisal  
8 Practice;

9 (10) Enter into consent decrees and issue cease and  
10 desist orders upon a determination that a violation of the act has  
11 occurred;

12 (11) Promote research and conduct studies relating to  
13 the profession of real property appraisal, sponsor real property  
14 appraisal educational activities, and incur, collect fees for, and  
15 pay the necessary expenses in connection with activities which  
16 shall be open to all credential holders;

17 (12) Establish and ~~annually~~ adopt minimum standards for  
18 appraisals as required under section 76-2237;

19 (13) Adopt and promulgate rules and regulations to  
20 carry out the act. The rules and regulations may include  
21 provisions establishing minimum standards for schools, courses, and  
22 instructors. The rules and regulations shall be adopted pursuant to  
23 the Administrative Procedure Act; and

24 (14) Do all other things necessary to carry out the Real  
25 Property Appraiser Act.

26 Sec. 14. Section 76-2225, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           76-2225 The members of the board and the board's  
2 employees or persons under contract with the board shall be  
3 immune from any civil action or criminal prosecution for initiating  
4 or assisting in any lawful investigation of the actions of or any  
5 disciplinary proceeding concerning a credential holder pursuant to  
6 the Real Property Appraiser Act if such action is taken without  
7 malicious intent and in the reasonable belief that it was taken  
8 pursuant to the powers vested in the members of the board or such  
9 employees or persons.

10           Sec. 15. Section 76-2228, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           76-2228 ~~On and after January 1, 2008, there~~ There shall  
13 be five classes of credentials issued to real property appraisers  
14 as follows:

15           (1) Trainee real property appraiser, which classification  
16 shall consist of those persons who meet the requirements set forth  
17 in section 76-2228.01;

18           (2) Registered real property appraiser, which  
19 classification shall consist of those persons who meet the  
20 requirements set forth in section 76-2229.01;

21           (3) Licensed residential real property appraiser, which  
22 classification shall consist of those persons who meet the  
23 requirements set forth in section 76-2230;

24           (4) Certified residential real property appraiser, which  
25 classification shall consist of those persons who meet the  
26 requirements set forth in section 76-2231.01; and

27           (5) Certified general real property appraiser, which

1 classification shall consist of those persons who meet the  
2 requirements set forth in section 76-2232.

3 Sec. 16. Section 76-2228.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 76-2228.01 (1) ~~On and after January 1, 2008, to~~ To  
6 qualify for a credential as a trainee real property appraiser, an  
7 applicant shall:

8 (a) Be at least nineteen years of age;

9 (b) Hold a high school diploma or a certificate of high  
10 school equivalency or have education acceptable to the board;

11 (c) Have successfully completed no fewer than  
12 seventy-five class hours in board-approved courses of study  
13 which relate to appraisal and which include completion of the  
14 fifteen-hour National Uniform Standards of Professional Appraisal  
15 Practice Course, ~~or its equivalent~~ as approved by the Appraiser  
16 Qualifications Board as of January 1, 2010, or the equivalent  
17 of the course as approved by the Real Property Appraiser Board.

18 The fifteen-hour course shall be taught by a Uniform Standards  
19 of Professional Appraisal Practice Instructor who is certified by  
20 the Appraiser Qualifications Board and who is a state-certified  
21 appraiser in good standing. The courses of study shall be conducted  
22 by an accredited, degree-awarding university, college, community  
23 college, or junior college, an appraisal society, institute, or  
24 association, a state or federal agency or commission, a proprietary  
25 school, or such other educational provider as may be approved  
26 by the ~~board~~ Real Property Appraiser Board and shall be, at a  
27 minimum, fifteen class hours in length. Each course shall include

1 an examination pertinent to the material presented. The applicant  
2 shall have completed the class hours within the five-year period  
3 immediately preceding submission of the application and shall  
4 have completed the fifteen-hour National Uniform Standards of  
5 Professional Appraisal Practice Course within the two-year period  
6 immediately preceding submission of the application;

7 (d) Be subject to direct supervision by a supervising  
8 appraiser or appraisers who are certified residential real property  
9 appraisers or certified general real property appraisers in good  
10 standing. The supervising appraiser shall be responsible for the  
11 training and direct supervision of the trainee by accepting  
12 responsibility for the appraisal report by signing and certifying  
13 the report is in compliance with the Uniform Standards of  
14 Professional Appraisal Practice, reviewing the trainee appraisal  
15 reports, and personally inspecting each appraised property with  
16 the trainee as is consistent with his or her scope of practice  
17 until the supervising appraiser determines the trainee is competent  
18 in accordance with the competency rule of the Uniform Standards  
19 of Professional Appraisal Practice. The trainee shall maintain an  
20 appraisal log for each supervising appraiser in accordance with  
21 standards set by rule and regulation of the board; and

22 (e) Not have been convicted of any felony or, if so  
23 convicted, have had his or her civil rights restored.

24 (2) To qualify for an upgraded credential, a trainee real  
25 property appraiser shall satisfy at least one of the appropriate  
26 requirements as follows:

27 (a) For a credential as a licensed residential real

1 property appraiser, he or she shall (i) complete seventy-five  
2 additional hours of designated core curriculum education and (ii)  
3 meet the experience requirements pursuant to subdivision (1)(d) of  
4 section 77-2230;

5 (b) For a credential as a certified residential real  
6 property appraiser, he or she shall (i) complete one hundred  
7 twenty-five additional hours of designated core curriculum  
8 education, (ii) meet the experience requirements pursuant to  
9 subdivision (1)(d) of section 76-2231.01, and (iii) meet the  
10 postsecondary educational requirements pursuant to subdivision  
11 (1)(b)(i) or (ii) of section 76-2231.01; or

12 (c) For a credential as a certified general real property  
13 appraiser, he or she shall (i) complete two hundred twenty-five  
14 additional hours of designated core curriculum education, (ii)  
15 meet the experience requirements pursuant to subdivision (1)(d)  
16 of section 76-2232, and (iii) meet the postsecondary educational  
17 requirements pursuant to subdivision (1)(b)(i) or (ii) of section  
18 76-2232.

19 ~~(2)~~ (3) If a trainee real property appraiser remains in  
20 the classification in excess of two years, the trainee shall be  
21 required in the third and successive years to successfully complete  
22 no fewer than fourteen hours of instruction in courses or seminars  
23 for each year of the period preceding the renewal and shall have  
24 completed the seven-hour National Uniform Standards of Professional  
25 Appraisal Practice Update Course, ~~or its equivalent,~~ as the course  
26 existed on January 1, 2010, or the equivalent of the course as  
27 approved by the Real Property Appraiser Board, at a minimum of

1 every two years. The courses of study shall be conducted by an  
2 accredited, degree-awarding university, college, community college,  
3 or junior college, an appraisal society, institute, or association,  
4 a state or federal agency or commission, a proprietary school,  
5 or such other educational provider as may be approved by the  
6 board. Credit may be granted for educational offerings and for  
7 participation other than as a student as approved by the board.

8 ~~(3)~~ (4) The application for a credential as a trainee  
9 real property appraiser shall include the applicant's social  
10 security number and such other information as the board may  
11 require.

12 Sec. 17. Section 76-2229, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 76-2229 (1) No person other than a registered real  
15 property appraiser shall assume or use the title registered real  
16 property appraiser or any title, designation, or abbreviation  
17 likely to create the impression of credentialing as a registered  
18 real property appraiser by this state. No person other than a  
19 licensed residential real property appraiser shall assume or use  
20 the title licensed residential real property appraiser or any  
21 title, designation, or abbreviation likely to create the impression  
22 of credentialing as a licensed residential real property appraiser  
23 by this state. No person other than a certified residential  
24 real property appraiser shall assume or use the title certified  
25 residential real property appraiser or any title, designation, or  
26 abbreviation likely to create the impression of credentialing as  
27 a certified residential real property appraiser by this state.

1 No person other than a certified general real property appraiser  
2 shall assume or use the title certified general real property  
3 appraiser or any title, designation, or abbreviation likely to  
4 create the impression of credentialing as a certified general real  
5 property appraiser by this state. No person other than a trainee  
6 real property appraiser shall assume or use the title trainee  
7 real property appraiser or any title, designation, or abbreviation  
8 likely to create the impression of credentialing as a trainee real  
9 property appraiser by this state. A real property appraiser shall  
10 state whether he or she is a registered real property appraiser,  
11 licensed residential real property appraiser, certified residential  
12 real property appraiser, certified general real property appraiser,  
13 or trainee real property appraiser whenever he or she identifies  
14 himself or herself as a real property appraiser, including on all  
15 reports which are signed individually or as cosigner.

16 (2) The terms registered real property appraiser,  
17 licensed residential real property appraiser, certified residential  
18 real property appraiser, certified general real property appraiser,  
19 and trainee real property appraiser may only be used to refer  
20 to a person who is credentialed as such under the Real Property  
21 Appraiser Act and may not be used following or immediately  
22 in connection with the name or signature of a corporation,  
23 partnership, limited liability company, firm, or group or in such  
24 manner that it might be interpreted as referring to a corporation,  
25 partnership, limited liability company, firm, or group or to anyone  
26 other than the credential holder. This requirement shall not be  
27 construed to prevent a credential holder from signing an appraisal



1 report on behalf of a corporation, partnership, limited liability  
2 company, firm, or group if it is clear that only the individual  
3 holds the credential and that the corporation, partnership, limited  
4 liability company, firm, or group does not.

5 Sec. 18. Section 76-2229.01, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 76-2229.01 (1) ~~On and after January 1, 2008, to~~ To  
8 qualify for a credential as a registered real property appraiser,  
9 an applicant shall:

10 (a) Be at least nineteen years of age;

11 (b) Hold a high school diploma or a certificate of high  
12 school equivalency or have education acceptable to the board;

13 (c) Have successfully completed no fewer than ninety  
14 class hours in board-approved courses of study which relate to  
15 appraisal and which include the fifteen-hour National Uniform  
16 Standards of Professional Appraisal Practice Course, ~~or its~~  
17 ~~equivalent~~ as approved by the Appraiser Qualifications Board as of  
18 January 1, 2010, or the equivalent of the course as approved by  
19 the Real Property Appraiser Board. The courses of study shall be  
20 conducted by an accredited, degree-awarding university, college,  
21 community college, or junior college, an appraisal society,  
22 institute, or association, or such other educational provider as  
23 may be approved by the ~~board~~ Real Property Appraiser Board and  
24 shall be, at a minimum, fifteen class hours in length. Each course  
25 of study shall include an examination pertinent to the material  
26 presented;

27 (d) ~~Pass~~ Within the twelve months following approval

1 of the applicant by the Real Property Appraiser Board, pass an  
2 examination approved by the Appraiser Qualifications Board as of  
3 January 1, 2010, and administered by the board a contracted testing  
4 service which demonstrates that the applicant has:

5 (i) Knowledge of technical terms commonly used in or  
6 related to appraisal and the writing of appraisal reports;

7 (ii) Knowledge of depreciation theories, cost estimating,  
8 methods of capitalization, market data analysis, appraisal  
9 mathematics, and economic concepts applicable to real estate;

10 (iii) An understanding of the basic principles of land  
11 economics, appraisal processes, and problems encountered in the  
12 gathering, interpreting, and processing of data involved in the  
13 valuation of real property;

14 (iv) Knowledge of the appraisal of various types of and  
15 interests in real property for various functions and purposes;

16 (v) An understanding of basic real estate law;

17 (vi) An understanding of the types of misconduct for  
18 which disciplinary proceedings may be initiated;

19 (vii) An understanding of the Uniform Standards of  
20 Professional Appraisal Practice;

21 (viii) An understanding of the recognized methods and  
22 techniques necessary for the development and communication of a  
23 credible appraisal; and

24 (ix) Knowledge of such other principles and procedures as  
25 may be appropriate to produce a credible appraisal; and

26 (e) Not have been convicted of any felony or, if so  
27 convicted, have had his or her civil rights restored.

1           (2) To qualify for an upgraded credential, a registered  
2 real property appraiser shall satisfy at least one of the  
3 appropriate requirements as follows:

4           (a) For a credential as a licensed residential real  
5 property appraiser, he or she shall (i) complete sixty additional  
6 hours of designated core curriculum education and (ii) meet the  
7 experience requirements pursuant to subdivision (1)(d) of section  
8 77-2230;

9           (b) For a credential as a certified residential real  
10 property appraiser, he or she shall (i) complete one hundred ten  
11 additional hours of designated core curriculum education, (ii)  
12 meet the experience requirements pursuant to subdivision (1)(d) of  
13 section 76-2231.01, and (iii) meet the postsecondary educational  
14 requirements pursuant to subdivision (1)(b)(i) or (ii) of section  
15 76-2231.01; or

16           (c) For a credential as a certified general real property  
17 appraiser, he or she shall (i) complete two hundred twenty-five  
18 additional hours of designated core curriculum education, (ii)  
19 meet the experience requirements pursuant to subdivision (1)(d)  
20 of section 76-2232, and (iii) meet the postsecondary educational  
21 requirements pursuant to subdivision (1)(b)(i) or (ii) of section  
22 76-2232.

23           ~~(2)~~ (3) The application for registration shall include  
24 the applicant's social security number and such other information  
25 as the ~~board~~ Real Property Appraiser Board may require.

26           ~~(3)~~ On and after January 1, 2008, the (4) The scope of  
27 practice of a registered real property appraiser shall be limited

1 to the appraisal of noncomplex property having one, two, three, or  
2 four residential units having a transaction value of less than two  
3 hundred fifty thousand dollars.

4 ~~(4) On and after January 1, 2008, an~~ (5) An applicant  
5 shall receive no more than three successive annual renewals  
6 for credentialing as a registered real property appraiser.  
7 Notwithstanding any other provision of section 76-2228 to the  
8 contrary, the board shall not approve any initial application for  
9 credentialing as a registered real property appraiser on and after  
10 January 1, 2012.

11 Sec. 19. Section 76-2230, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 76-2230 (1) ~~On and after January 1, 2008, to~~ To qualify  
14 for a credential as a licensed residential real property appraiser,  
15 an applicant shall:

16 (a) Be at least nineteen years of age;

17 (b) Hold a high school diploma or a certificate of high  
18 school equivalency or have education acceptable to the board;

19 (c) Have successfully completed no fewer than one  
20 hundred fifty class hours, which may include the class hours set  
21 forth in section 76-2229.01, in board-approved courses of study  
22 which relate to appraisal and which include completion of the  
23 fifteen-hour National Uniform Standards of Professional Appraisal  
24 Practice Course, ~~or its equivalent~~ as approved by the Appraiser  
25 Qualifications Board as of January 1, 2010, or the equivalent  
26 of the course as approved by the Real Property Appraiser Board.

27 The fifteen-hour course shall be taught by a Uniform Standards

1 of Professional Appraisal Practice Instructor who is certified by  
2 the Appraiser Qualifications Board and who is a state-certified  
3 appraiser in good standing. The courses of study shall be conducted  
4 by an accredited, degree-awarding university, college, community  
5 college, or junior college, an appraisal society, institute, or  
6 association, a state or federal agency or commission, a proprietary  
7 school, or such other educational provider as may be approved  
8 by the ~~board~~ Real Property Appraiser Board and shall be, at a  
9 minimum, fifteen class hours in length. Each course shall include a  
10 closed-book examination pertinent to the material presented;

11 (d) Have no fewer than two thousand hours of experience  
12 in any combination of the following: Fee and staff appraisal;  
13 ad valorem tax appraisal; condemnation appraisal; technical  
14 review appraisal; appraisal analysis; real estate consulting;  
15 highest-and-best-use analysis; and feasibility analysis or study.  
16 The required experience shall not be limited to the listed items  
17 but shall be acceptable to the board and subject to review and  
18 determination as to conformity with the Uniform Standards of  
19 Professional Appraisal Practice. The experience shall have occurred  
20 during a period of no fewer than twelve months. If requested,  
21 evidence acceptable to the board concerning the experience shall  
22 be presented by the applicant in the form of written reports or  
23 file memoranda;

24 (e) Within the ~~twenty-four~~ twelve months following  
25 approval of the applicant by the board, pass a ~~closed-book~~ an  
26 examination approved by the Appraiser Qualifications Board as of  
27 January 1, 2010, and administered by the board a contracted testing

1 service which demonstrates that the applicant has:

2 (i) Knowledge of technical terms commonly used in or  
3 related to appraisal and the writing of appraisal reports;

4 (ii) Knowledge of depreciation theories, cost estimating,  
5 methods of capitalization, market data analysis, appraisal  
6 mathematics, and economic concepts applicable to real estate;

7 (iii) An understanding of the principles of land  
8 economics, appraisal processes, and problems encountered in the  
9 gathering, interpreting, and processing of data involved in the  
10 valuation of real property;

11 (iv) Knowledge of the appraisal of various types of and  
12 interests in real property for various functions and purposes;

13 (v) An understanding of basic real estate law;

14 (vi) An understanding of the types of misconduct for  
15 which disciplinary proceedings may be initiated;

16 (vii) An understanding of the Uniform Standards of  
17 Professional Appraisal Practice;

18 (viii) An understanding of the recognized methods and  
19 techniques necessary for the development and communication of a  
20 credible appraisal; and

21 (ix) Knowledge of such other principles and procedures as  
22 may be appropriate to produce a credible appraisal; and

23 (f) Not have been convicted of any felony or, if so  
24 convicted, have had his or her civil rights restored.

25 (2) To qualify for an upgraded credential, a licensed  
26 residential real property appraiser shall satisfy at least one of  
27 the appropriate requirements as follows:

1           (a) For a credential as a certified residential  
2 real property appraiser, he or she shall (i) complete fifty  
3 additional hours of designated core curriculum education, (ii)  
4 meet the experience requirements pursuant to subdivision (1)(d) of  
5 section 76-2231.01, and (iii) meet the postsecondary educational  
6 requirements pursuant to subdivision (1)(b)(i) or (ii) of section  
7 76-2231.01; or

8           (b) For a credential as a certified general real property  
9 appraiser, he or she shall (i) complete one hundred fifty  
10 additional hours of designated core curriculum education, (ii)  
11 meet the experience requirements pursuant to subdivision (1)(d)  
12 of section 76-2232, and (iii) meet the postsecondary educational  
13 requirements pursuant to subdivision (1)(b)(i) or (ii) of section  
14 76-2232.

15           ~~(2) On and after January 1, 2008, the~~ (3) The scope of  
16 practice for a licensed residential real property appraiser shall  
17 be limited to the appraisal of noncomplex property having one,  
18 two, three, or four residential units with a transaction value of  
19 less than one million dollars and complex property having one, two,  
20 three, or four residential units with a transaction value of less  
21 than two hundred fifty thousand dollars.

22           ~~(3)~~ (4) If an applicant is applying for renewal of a  
23 credential as a licensed residential real property appraiser, ~~on~~  
24 ~~and after January 1, 2008,~~ the applicant shall have successfully  
25 completed no fewer than fourteen hours of instruction in courses  
26 or seminars for each year of the two-year continuing education  
27 period during which the application is submitted and shall have

1 completed the seven-hour National Uniform Standards of Professional  
2 Appraisal Practice Update Course, ~~or its equivalent~~ as approved  
3 by the Appraiser Qualifications Board as of January 1, 2010, or  
4 the equivalent of the course as approved by the Real Property  
5 Appraiser Board, at a minimum of every two years. The seven-hour  
6 course shall be taught by a Uniform Standards of Professional  
7 Appraisal Practice Instructor who is certified by the Appraiser  
8 Qualifications Board and who is a state-certified appraiser in good  
9 standing. Credit toward a classroom hour requirement may be granted  
10 only when the length of the educational offering is at least two  
11 hours. The courses of study shall be conducted by an accredited,  
12 degree-awarding university, college, community college, or junior  
13 college, an appraisal society, institute, or association, a state  
14 or federal agency or commission, a proprietary school, or such  
15 other educational provider as may be approved by the ~~board.~~ Real  
16 Property Appraiser Board. Credit may be granted for educational  
17 offerings and for participation other than as a student as approved  
18 by the board.

19           ~~(4)~~ (5) The application for the credential as a licensed  
20 residential real property appraiser shall include the applicant's  
21 social security number and such other information as the board may  
22 require.

23           Sec. 20. Section 76-2231.01, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           76-2231.01 (1) ~~On and after January 1, 2008, to~~ To  
26 qualify for a credential as a certified residential real property  
27 appraiser, an applicant shall:



1 (a) Be at least nineteen years of age;

2 (b)(i) Hold an associate degree, or higher, from an  
3 accredited, degree-awarding university, college, community college,  
4 or junior college; or

5 (ii) Have successfully completed, as verified by the  
6 board, twenty-one semester hours of coursework or its equivalent  
7 from an accredited, degree-awarding university, college, community  
8 college, or junior college that shall have included English  
9 composition; principles of macroeconomics or microeconomics;  
10 finance; algebra, geometry, or higher mathematics; statistics;  
11 introduction to computers, including word processing and spread  
12 sheets; and business or real estate law;

13 (c) Have successfully completed no fewer than two hundred  
14 class hours, which may include the class hours set forth in  
15 sections 76-2229.01 and 76-2230, in board-approved courses of study  
16 which relate to appraisal and which include completion of the  
17 fifteen-hour National Uniform Standards of Professional Appraisal  
18 Practice Course, ~~or its equivalent~~ as approved by the Appraiser  
19 Qualifications Board as of January 1, 2010, or the equivalent  
20 of the course as approved by the Real Property Appraiser Board.

21 The fifteen-hour course shall be taught by a Uniform Standards  
22 of Professional Appraisal Practice Instructor who is certified by  
23 the Appraiser Qualifications Board and who is a state-certified  
24 appraiser in good standing. The courses of study shall be conducted  
25 by an accredited, degree-awarding university, college, community  
26 college, or junior college, an appraisal society, institute, or  
27 association, a state or federal agency or commission, a proprietary

1 school, or such other educational provider as may be approved  
2 by the ~~board~~ Real Property Appraiser Board and shall be, at a  
3 minimum, fifteen class hours in length. ~~Credit toward the class~~  
4 ~~hour requirement may be awarded to teachers of appraisal courses.~~  
5 Each course shall include a closed-book examination pertinent to  
6 the material presented;

7 (d) Have no fewer than two thousand five hundred hours  
8 of experience in any combination of the following: Fee and staff  
9 appraisal; ad valorem tax appraisal; condemnation appraisal;  
10 technical review appraisal; appraisal analysis; real estate  
11 consulting; highest-and-best-use analysis; and feasibility analysis  
12 or study. The required experience shall not be limited to the  
13 listed items but shall be acceptable to the board and subject  
14 to review and determination as to conformity with the Uniform  
15 Standards of Professional Appraisal Practice. The experience shall  
16 have occurred during a period of no fewer than twenty-four months.  
17 If requested, evidence acceptable to the board concerning the  
18 experience shall be presented by the applicant in the form of  
19 written reports or file memoranda;

20 (e) Within the ~~twenty-four~~ twelve months following  
21 approval of the applicant by the board, pass a ~~closed-book~~ an  
22 examination approved by the Appraiser Qualifications Board as of  
23 January 1, 2010, and administered by the board a contracted testing  
24 service which demonstrates that the applicant has:

25 (i) Knowledge of technical terms commonly used in or  
26 related to appraisal and the writing of appraisal reports;

27 (ii) Knowledge of depreciation theories, cost estimating,

1 methods of capitalization, market data analysis, appraisal  
2 mathematics, and economic concepts applicable to real estate;

3 (iii) An understanding of the principles of land  
4 economics, appraisal processes, and problems encountered in the  
5 gathering, interpreting, and processing of data involved in the  
6 valuation of real property;

7 (iv) Knowledge of the appraisal of various types of and  
8 interests in real property for various functions and purposes;

9 (v) An understanding of basic real estate law;

10 (vi) An understanding of the types of misconduct for  
11 which disciplinary proceedings may be initiated;

12 (vii) An understanding of the Uniform Standards of  
13 Professional Appraisal Practice;

14 (viii) An understanding of the recognized methods and  
15 techniques necessary for the development and communication of a  
16 credible appraisal; and

17 (ix) Knowledge of such other principles and procedures as  
18 may be appropriate to produce a credible appraisal; and

19 (f) Not have been convicted of any felony or, if so  
20 convicted, have had his or her civil rights restored.

21 (2) To qualify for an upgraded credential as a certified  
22 general real property appraiser, a certified residential real  
23 property appraiser shall satisfy the following requirements:

24 (a) Complete one hundred additional hours of designated  
25 core curriculum education;

26 (b) Meet the experience requirements pursuant to  
27 subdivision (1)(d) of section 76-2232; and

1           (c) Meet the postsecondary educational requirements  
2 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

3           ~~(2) On and after January 1, 2008, the~~ (3) The scope of  
4 practice of a certified residential real property appraiser shall  
5 be limited to the appraisal of property having one, two, three,  
6 or four residential units without regard to transaction value or  
7 complexity.

8           ~~(3)~~ (4) If an applicant is applying for renewal of a  
9 credential as a certified residential real property appraiser, ~~on~~  
10 ~~and after January 1, 2008,~~ the applicant shall have successfully  
11 completed no fewer than fourteen hours of instruction in courses  
12 or seminars for each year of the two-year continuing education  
13 period during which the application is submitted and shall have  
14 completed the seven-hour National Uniform Standards of Professional  
15 Appraisal Practice Update Course, ~~or its equivalent~~ as approved  
16 by the Appraiser Qualifications Board as of January 1, 2010, or  
17 the equivalent of the course as approved by the Real Property  
18 Appraiser Board, at a minimum of every two years. The seven-hour  
19 course shall be taught by a Uniform Standards of Professional  
20 Appraisal Practice Instructor who is certified by the Appraiser  
21 Qualifications Board and who is a state-certified appraiser in good  
22 standing. Credit toward a classroom hour requirement may be granted  
23 only if the length of the educational offering is at least two  
24 hours. The courses of study shall be conducted by an accredited,  
25 degree-awarding university, college, community college, or junior  
26 college, an appraisal society, institute, or association, a state  
27 or federal agency or commission, a proprietary school, or such

1 other educational provider as may be approved by the ~~board~~ Real  
2 Property Appraiser Board. Credit may be granted for educational  
3 offerings and for participation other than as a student as approved  
4 by the board.

5 ~~(4)~~ (5) The application for a credential as a certified  
6 residential real property appraiser shall include the applicant's  
7 social security number and such other information as the board may  
8 require.

9 Sec. 21. Section 76-2232, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 76-2232 (1) ~~On and after January 1, 2008, to~~ To qualify  
12 for a credential as a certified general real property appraiser, an  
13 applicant shall:

14 (a) Be at least nineteen years of age;

15 (b) (i) Hold a bachelor's degree, or higher, from an  
16 accredited, degree-awarding university or college; or

17 (ii) Have successfully completed, as verified by the  
18 board, thirty semester hours of coursework or its equivalent from  
19 an accredited, degree-awarding university or college that shall  
20 have included English composition; macroeconomics; microeconomics;  
21 finance; algebra, geometry, or higher mathematics; statistics;  
22 introduction to computers, including word processing and spread  
23 sheets; business or real estate law; and two elective courses in  
24 accounting, geography, agricultural economics, business management,  
25 or real estate;

26 (c) Have successfully completed no fewer than three  
27 hundred class hours, which may include the class hours set forth

1 in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved  
2 courses of study which relate to appraisal and which include  
3 completion of the fifteen-hour National Uniform Standards of  
4 Professional Appraisal Practice Course, ~~or its equivalent~~ as  
5 approved by the Appraiser Qualifications Board as of January  
6 1, 2010, or the equivalent of the course as approved by the  
7 Real Property Appraiser Board. The fifteen-hour course shall be  
8 taught by a Uniform Standards of Professional Appraisal Practice  
9 Instructor who is certified by the Appraiser Qualifications  
10 Board and who is a state-certified appraiser in good standing.  
11 The courses of study shall be conducted by an accredited,  
12 degree-awarding university, college, community college, or junior  
13 college, an appraisal society, institute, or association, a state  
14 or federal agency or commission, a proprietary school, or such  
15 other educational provider as may be approved by the ~~board~~ Real  
16 Property Appraiser Board and shall be, at a minimum, fifteen class  
17 hours in length. ~~Credit toward the class hour requirement may be~~  
18 ~~awarded to teachers of appraisal courses.~~ Each course shall include  
19 a closed-book examination pertinent to the material presented;

20 (d) Have no fewer than three thousand hours of experience  
21 in any combination of the following: Fee and staff appraisal;  
22 ad valorem tax appraisal; condemnation appraisal; technical  
23 review appraisal; appraisal analysis; real estate consulting;  
24 highest-and-best-use analysis; and feasibility analysis or study.  
25 The required experience shall not be limited to the listed items  
26 but shall be acceptable to the board and subject to review and  
27 determination as to conformity with the Uniform Standards of

1 Professional Appraisal Practice. The experience shall have occurred  
2 during a period of no fewer than thirty months. If requested,  
3 evidence acceptable to the board concerning the experience shall  
4 be presented by the applicant in the form of written reports or  
5 file memoranda;

6 (e) Within the ~~twenty-four~~ twelve months following  
7 approval of the applicant by the board, pass a ~~closed-book~~ an  
8 examination approved by the Appraiser Qualifications Board as of  
9 January 1, 2010, and administered by the board a contracted testing  
10 service which demonstrates that the applicant has:

11 (i) Knowledge of technical terms commonly used in or  
12 related to appraisal and the writing of appraisal reports;

13 (ii) Knowledge of depreciation theories, cost estimating,  
14 methods of capitalization, market data analysis, appraisal  
15 mathematics, and economic concepts applicable to real estate;

16 (iii) An understanding of the principles of land  
17 economics, appraisal processes, and problems encountered in the  
18 gathering, interpreting, and processing of data involved in the  
19 valuation of real property;

20 (iv) Knowledge of the appraisal of various types of and  
21 interests in real property for various functions and purposes;

22 (v) An understanding of basic real estate law;

23 (vi) An understanding of the types of misconduct for  
24 which disciplinary proceedings may be initiated;

25 (vii) An understanding of the Uniform Standards of  
26 Professional Appraisal Practice;

27 (viii) An understanding of the recognized methods and

1 techniques necessary for the development and communication of a  
2 credible appraisal; and

3 (ix) Knowledge of such other principles and procedures as  
4 may be appropriate to produce a credible appraisal; and

5 (f) Not have been convicted of any felony or, if so  
6 convicted, have had his or her civil rights restored.

7 (2) If an applicant is applying for renewal of a  
8 credential as a certified general real property appraiser, ~~en~~  
9 ~~and after January 1, 2008,~~ the applicant shall have successfully  
10 completed no fewer than fourteen hours of instruction in courses  
11 or seminars for each year of the two-year continuing education  
12 period during which the application is submitted and shall have  
13 completed the seven-hour National Uniform Standards of Professional  
14 Appraisal Practice Update Course, ~~or its equivalent~~ as approved  
15 by the Appraiser Qualifications Board as of January 1, 2010, or  
16 the equivalent of the course as approved by the Real Property  
17 Appraiser Board, at a minimum of every two years. The seven-hour  
18 course shall be taught by a Uniform Standards of Professional  
19 Appraisal Practice Instructor who is certified by the Appraiser  
20 Qualifications Board and who is a state-certified appraiser in good  
21 standing. Credit toward a classroom hour requirement may be granted  
22 only if the length of the educational offering is at least two  
23 hours. The courses of study shall be conducted by an accredited,  
24 degree-awarding university, college, community college, or junior  
25 college, an appraisal society, institute, or association, a state  
26 or federal agency or commission, a proprietary school, or such  
27 other educational provider as may be approved by the ~~board.~~ Real



1 Property Appraiser Board. Credit may be granted for educational  
2 offerings and for participation other than as a student as approved  
3 by the board.

4 (3) The application for a credential as a certified  
5 general real property appraiser shall include the applicant's  
6 social security number and such other information as the board may  
7 require.

8 Sec. 22. Section 76-2233, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 76-2233 (1) A nonresident of this state may obtain a  
11 credential as a licensed residential real property appraiser, a  
12 certified residential real property appraiser, or a certified  
13 general real property appraiser by (a) complying with all of  
14 the provisions of the Real Property Appraiser Act relating to  
15 the appropriate classification of credentialing, (b) submitting an  
16 application on a form approved by the board, and (c) submitting an  
17 irrevocable consent that service of process upon him or her may be  
18 made by delivery of the process to the director of the board if the  
19 plaintiff cannot, in the exercise of due diligence, effect personal  
20 service upon the applicant in an action against the applicant in a  
21 court of this state arising out of the applicant's activities in  
22 this state.

23 (2) If, in the determination of the board, another  
24 state or territory or the District of Columbia has substantially  
25 equivalent requirements to the requirements of this state, an  
26 applicant who is a resident of that state, territory, or district  
27 and is currently credentialed to appraise real estate and real

1 property under the laws of that state, territory, or district may  
2 through reciprocity become credentialed under the act. To qualify  
3 for reciprocal credentialing, the applicant shall:

4 (a) Submit evidence that he or she is currently a  
5 resident of the state, territory, or District of Columbia in which  
6 he or she is credentialed to appraise real estate and real property  
7 and that such credential is in good standing, along with his or her  
8 social security number and such other information as the board may  
9 require;

10 (b) Certify that disciplinary proceedings are not pending  
11 against him or her or state the nature of any pending disciplinary  
12 proceedings;

13 (c) Submit an irrevocable consent that service of process  
14 upon him or her may be made by delivery of the process to the  
15 director of the board if the plaintiff cannot, in the exercise of  
16 due diligence, effect personal service upon the applicant in an  
17 action against the applicant in a court of this state arising out  
18 of the applicant's activities as a real property appraiser in this  
19 state;

20 (d) Pay fees as established in section 76-2241; and

21 (e) Comply with such other terms and conditions as may be  
22 determined by the board.

23 Sec. 23. Section 76-2233.01, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 76-2233.01 A nonresident may obtain a temporary  
26 credential as a licensed residential real property appraiser, a  
27 certified residential real property appraiser, or a certified

1 general real property appraiser to perform a contract relating to  
2 the appraisal of real estate or real property in this state. To  
3 qualify for the issuance of a temporary credential, an applicant  
4 shall:

5 (1) Submit an application on a form approved by the  
6 board;

7 (2) Submit an irrevocable consent that service of process  
8 upon him or her may be made by delivery of the process to the  
9 director of the board if the plaintiff cannot, in the exercise of  
10 due diligence, effect personal service upon the applicant in an  
11 action against the applicant in a court of this state arising out  
12 of the applicant's activities in this state;

13 (3) Submit evidence that he or she is credentialed as a  
14 licensed or certified appraiser of real estate and real property  
15 and is currently in good standing in the jurisdiction of residency,  
16 along with his or her social security number and such other  
17 information as the board may require;

18 (4) Certify that disciplinary proceedings are not pending  
19 against the applicant in the applicant's state of domicile or  
20 in any other jurisdiction or state the nature of any pending  
21 disciplinary proceedings; and

22 (5) Pay an application fee in an amount established by  
23 the board.

24 A temporary credential issued under this section shall be  
25 expressly limited to a grant of authority to perform the appraisal  
26 work required by the contract for appraisal services in this state.  
27 Each temporary credential shall expire upon the completion of the

1 appraisal work required by the contract for appraisal services or  
2 upon the expiration of a period of six months from the date of  
3 issuance, whichever occurs first. A temporary credential may be  
4 renewed for one additional six-month period.

5 Sec. 24. Section 76-2233.02, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 76-2233.02 A credential issued under the Real Property  
8 Appraiser Act other than a temporary credential shall remain in  
9 effect until December 31 ~~following the date of credentialing of~~  
10 the designated year unless surrendered, revoked, suspended, or  
11 canceled prior to such date. To renew a valid credential, the  
12 credential holder shall file an application on a form approved  
13 by the board and pay the prescribed renewal fee to the board  
14 not later than November 30 of each the designated year. In every  
15 second year of renewal, as specified in section 76-2236, evidence  
16 of completion of continuing education requirements shall accompany  
17 renewal application or be on file with the board prior to renewal.

18 If a credential holder fails to apply and meet the  
19 requirements for renewal by November 30 of the designated year,  
20 such credential holder may obtain a renewal of such credential by  
21 satisfying all of the requirements for renewal and paying a late  
22 renewal fee if such late renewal takes place prior to July 1 of the  
23 following year. The board may refuse to renew any credential if the  
24 credential holder has continued to perform real property appraisal  
25 activities or other related activities in this state following the  
26 expiration of his or her credential.

27 Sec. 25. Section 76-2236, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           76-2236 Every credential holder shall furnish evidence  
3 to the board that he or she has satisfactorily completed no  
4 fewer than twenty-eight hours of approved continuing education  
5 activities in each two-year continuing education period. Hours of  
6 satisfactorily completed approved continuing education activities  
7 cannot be carried over from one two-year continuing education  
8 period to another. ~~The board may extend or waive the continuing~~  
9 ~~education requirements by rule or regulation.~~ As prescribed by  
10 rule or regulation of the board and at least once every two  
11 years, the seven-hour National Uniform Standards of Professional  
12 Appraisal Practice Update Course, ~~or its equivalent~~ as approved by  
13 the Appraiser Qualifications Board as of January 1, 2010, or the  
14 equivalent of the course as approved by the Real Property Appraiser  
15 Board, shall be included in the continuing education requirement  
16 of each credential holder. As prescribed by rule or regulation  
17 of the Real Property Appraiser Board and at least once every  
18 four years, a seven-hour report writing update course shall be  
19 included in the continuing education requirement of each credential  
20 holder. ~~The board~~ Real Property Appraiser Board shall approve  
21 continuing education activities which it determines would protect  
22 the public by improving the competency of credential holders.  
23 Evidence of completion of such continuing education activities for  
24 the two-year continuing education period may be submitted to the  
25 board as each activity is completed. A person who holds a temporary  
26 or reciprocal credential shall not have to meet any continuing  
27 education requirements in this state.

1           Sec. 26. Section 76-2237, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           76-2237 Each credential holder shall comply with the  
4 Uniform Standards of Professional Appraisal Practice. The board  
5 shall adopt and promulgate rules and regulations which conform to  
6 the Uniform Standards of Professional Appraisal Practice. The board  
7 shall review such rules and regulations annually. A copy of each  
8 such rule or regulation shall be mailed to the business address of  
9 transmitted electronically to each credential holder and shall be  
10 made available on the board's web site.

11           Sec. 27. Section 76-2238, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           76-2238 The following acts and omissions shall be  
14 considered grounds for disciplinary action or denial of an  
15 application by the board:

16           (1) Failing to meet the minimum qualifications for  
17 credentialing established by or pursuant to the Real Property  
18 Appraiser Act;

19           (2) Procuring or attempting to procure a credential  
20 under the act by knowingly making a false statement, submitting  
21 false information, or making a material misrepresentation in an  
22 application filed with the board or procuring or attempting to  
23 procure a credential through fraud or misrepresentation;

24           (3) Paying money or other valuable consideration other  
25 than the fees provided for by the act to any member or employee of  
26 the board to procure a credential;

27           (4) An act or omission involving real estate or appraisal

1 practice which constitutes dishonesty, fraud, or misrepresentation  
2 with or without the intent to substantially benefit the credential  
3 holder or another person or with the intent to substantially injure  
4 another person;

5 (5) Entry of a final civil or criminal judgment against a  
6 credential holder on grounds of fraud, misrepresentation, or deceit  
7 involving real estate or in the making of an appraisal;

8 (6) Conviction, including a conviction based upon a plea  
9 of guilty or nolo contendere, of a crime which is related to the  
10 qualifications, functions, or duties of a real property appraiser;

11 (7) Engaging in the business of real property appraising  
12 under an assumed or fictitious name;

13 (8) Paying a finder's fee or a referral fee to any  
14 person in connection with the appraisal of real estate or  
15 real property, except that an intracompany payment for business  
16 development shall not be considered to be unethical or a violation  
17 of this subdivision;

18 (9) Making a false or misleading statement in that  
19 portion of a written appraisal report that deals with professional  
20 qualifications or in any testimony concerning professional  
21 qualifications;

22 (10) Any violation of the act or any rule or regulation  
23 adopted and promulgated pursuant to the act;

24 (11) Violation of the confidential nature of any  
25 information to which a credential holder gained access through  
26 employment for evaluation assignments or valuation assignments;

27 (12) Acceptance of a fee for performing a real property

1 appraisal valuation assignment or evaluation assignment when the  
2 fee is or was contingent upon (a) the real property appraiser  
3 reporting a predetermined analysis, opinion, or conclusion, (b) the  
4 analysis, opinion, conclusion, or valuation reached, or (c) the  
5 consequences resulting from the appraisal;

6 (13) Failure or refusal to exercise reasonable diligence  
7 in developing an appraisal, preparing an appraisal report, or  
8 communicating an appraisal;

9 (14) Negligence or incompetence in developing an  
10 appraisal, preparing an appraisal report, or communicating an  
11 appraisal, including failure to follow the standards and ethical  
12 rules adopted by the board;

13 (15) Failure to maintain, or to make available for  
14 inspection and copying, records required by the board;

15 (16) Demonstrating negligence, incompetence, or  
16 unworthiness to act as an appraiser, whether of the same or of a  
17 different character as otherwise specified in this section;

18 (17) Suspension or revocation of an appraisal credential  
19 or a license in another regulated occupation, trade, or profession  
20 in this or any other jurisdiction;

21 (18) Failure to comply with terms of a consent agreement  
22 or settlement agreement;

23 (19) Failure to submit or produce books, records,  
24 documents, work files, appraisal reports, or other materials  
25 requested by the board concerning any matter under investigation;

26 (20) Failure of an educational provider to produce  
27 records, documents, reports, or other materials, including, but



1 not limited to, required student attendance reports, to the board;

2 ~~(20)~~ (21) Presentation to the board of any check which is  
3 returned to the State Treasurer unpaid, whether payment of fee is  
4 for an initial or renewal credential or for examination; and

5 ~~(21)~~ (22) Failure to pass the examination.

6 Sec. 28. Section 76-2240, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 76-2240 (1) The administrative hearing on the allegations  
9 in the complaint filed pursuant to section 76-2239 shall be heard  
10 by ~~the board~~ a hearing officer at the time and place prescribed  
11 by the board and in accordance with the Administrative Procedure  
12 Act. If, at the conclusion of the hearing, ~~the board~~ hearing  
13 officer determines that the credential holder is guilty of the  
14 violation, ~~it~~ the board shall take such disciplinary action as  
15 ~~it~~ the board deems appropriate. Disciplinary actions which may be  
16 taken shall include, but not be limited to, revocation, suspension,  
17 probation, admonishment, letter of reprimand, and formal censure,  
18 with ~~or~~ ~~without~~ publication, of the credential holder and may  
19 or may not include an education requirement. Costs incurred for  
20 an administrative hearing, including fees of counsel, the hearing  
21 officer, court reporters, investigators, and witnesses, shall be  
22 taxed as costs in such action as the board may direct.

23 (2) The decision and order of the board shall be final.  
24 Any decision or order of the board may be appealed. The appeal  
25 shall be on questions of law only and otherwise shall be in  
26 accordance with the Administrative Procedure Act.

27 Sec. 29. Section 76-2241, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           76-2241 The board shall charge and collect appropriate  
3 fees for its services under the Real Property Appraiser Act as  
4 follows:

5           (1) An application fee of one hundred fifty dollars;

6           (2) An examination fee of no more than three hundred  
7 dollars. The board may direct applicants to pay the fee directly to  
8 a third party who has contracted to administer the examination;

9           (3) An initial and renewal credentialing fee, other than  
10 temporary credentialing, of no more than three hundred dollars;

11           (4) A late renewal fee of twenty-five dollars for each  
12 month or portion of a month the fee is late;

13           (5) A temporary credential application fee for a licensed  
14 residential real property appraiser, a certified residential real  
15 property appraiser, or a certified general real property appraiser  
16 of no more than one hundred dollars; and

17           (6) A pocket card fee of no more than fifty dollars  
18 for a licensed residential real property appraiser, certified  
19 residential real property appraiser, or certified general real  
20 property appraiser holding a temporary credential under the act.

21           All fees for credentialing through reciprocity shall be  
22 the same as those paid by others pursuant to this section.

23           In addition to the fees set forth in this section, the  
24 board may collect and transmit to the appropriate federal authority  
25 any fees established under the provisions of the Financial  
26 Institutions Reform, Recovery, and Enforcement Act of 1989, as  
27 the act existed on January 1, ~~2008-~~ 2010. The board may establish

1 such fees as it deems appropriate for special examinations and  
2 other services provided by the board. All fees and other revenue  
3 collected pursuant to the Real Property Appraiser Act shall be  
4 remitted by the board to the State Treasurer for credit to the Real  
5 Property Appraiser Fund.

6 Sec. 30. Section 76-2249, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 76-2249 (1) The board may prepare a printed directory  
9 showing the name and place of business of credential holders  
10 under the Real Property Appraiser Act. Copies of the directory  
11 shall be made available to the public at such reasonable price  
12 per copy as may be fixed by the board and shall be provided  
13 to federal authorities as required by the Financial Institutions  
14 Reform, Recovery, and Enforcement Act of 1989, as the act existed  
15 on January 1, ~~2008~~, 2010.

16 (2) The board shall provide without charge to any  
17 credential holder under the act a set of rules and regulations  
18 adopted and promulgated by the board and any other information  
19 which the board deems important in the area of real property  
20 appraisal in the State of Nebraska. The information may be printed  
21 in a booklet, a pamphlet, or any other form the board determines  
22 appropriate. The board may update such material as often as it  
23 deems necessary. The board may provide such material to any other  
24 person upon request and may charge a fee for the material. The  
25 fee shall be reasonable and shall not exceed any reasonable or  
26 necessary costs of producing the material for distribution.

27 Sec. 31. Section 77-5004, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           77-5004 (1) Each commissioner shall be a qualified voter  
3 and resident of the state and, for each commissioner representing  
4 a congressional district, a domiciliary of the district he or she  
5 represents.

6           (2) Each commissioner shall devote his or her full time  
7 and efforts to the discharge of his or her duties and shall not  
8 hold any other office under the laws of this state, any city or  
9 county in this state, or the United States Government while serving  
10 on the commission. Each commissioner shall possess:

11           (a) Appropriate knowledge of terms commonly used in or  
12 related to real property appraisal and of the writing of appraisal  
13 reports;

14           (b) Adequate knowledge of depreciation theories, cost  
15 estimating, methods of capitalization, and real property appraisal  
16 mathematics;

17           (c) An understanding of the principles of land economics,  
18 appraisal processes, and problems encountered in the gathering,  
19 interpreting, and evaluating of data involved in the valuation of  
20 real property, including complex industrial properties and mass  
21 appraisal techniques;

22           (d) Knowledge of the law relating to taxation, civil and  
23 administrative procedure, due process, and evidence in Nebraska;

24           (e) At least thirty hours of successfully completed  
25 class hours in courses of study, approved by the Real Property  
26 Appraiser Board, which relate to appraisal and which include the  
27 fifteen-hour National Uniform Standards of Professional Appraisal

1 Practice Course. If a commissioner has not received such training  
2 prior to his or her appointment, such training shall be completed  
3 within one year after appointment; and

4 (f) Such other qualifications and skills as reasonably  
5 may be requisite for the effective and reliable performance of the  
6 commission's duties.

7 (3) One commissioner shall possess any certification or  
8 training required to become a licensed residential real property  
9 appraiser as set forth in section 76-2230.

10 (4) Prior to January 1, 2002, the chairperson, and on and  
11 after January 1, 2002, at least two commissioners, shall have been  
12 engaged in the practice of law in the State of Nebraska for at  
13 least five years, which may include prior service as a judge, and  
14 shall be currently admitted to practice before the Nebraska Supreme  
15 Court.

16 (5) No commissioner or employee of the commission shall  
17 hold any position of profit or engage in any occupation or business  
18 interfering with or inconsistent with his or her duties as a  
19 commissioner or employee. A person is not eligible for appointment  
20 and may not hold the office of commissioner or be appointed by the  
21 commission to or hold any office or position under the commission  
22 if he or she holds any official office or position.

23 (6) (a) Each commissioner who meets the requirements of  
24 subsection (4) of this section on or after January 1, 2002, shall  
25 annually attend a seminar or class of at least two days' duration  
26 that is:

27 (i) Sponsored by a recognized assessment or appraisal

1 organization, in each of these areas: Utility and railroad  
2 appraisal; appraisal of complex industrial properties; appraisal  
3 of other hard to assess properties; and mass appraisal, residential  
4 or agricultural appraisal, or assessment administration; or

5 (ii) Pertaining to management, law, civil or  
6 administrative procedure, or other knowledge or skill necessary for  
7 performing the duties of the office.

8 (b) Each commissioner who does not meet the requirements  
9 of subsection (4) of this section on or after January 1, 2002,  
10 shall within two years after his or her appointment attend at least  
11 thirty hours of instruction that constitutes training for judges or  
12 administrative law judges.

13 (7) The commissioners shall be considered employees of  
14 the state for purposes of sections 81-1320 to 81-1328 and 84-1601  
15 to 84-1615.

16 (8) The commissioners shall be reimbursed as prescribed  
17 in sections 81-1174 to 81-1177 for their actual and necessary  
18 expenses in the performance of their official duties pursuant to  
19 the Tax Equalization and Review Commission Act.

20 Sec. 32. Section 81-885.01, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 81-885.01 For purposes of the Nebraska Real Estate  
23 License Act, unless the context otherwise requires:

24 (1) Real estate means and includes condominiums and  
25 leaseholds, as well as any other interest or estate in land,  
26 whether corporeal, incorporeal, freehold, or nonfreehold, and  
27 whether the real estate is situated in this state or elsewhere;

1           (2) Broker means any person who, for any form of  
2 compensation or consideration or with the intent or expectation  
3 of receiving the same from another, negotiates or attempts to  
4 negotiate the listing, sale, purchase, exchange, rent, lease, or  
5 option for any real estate or improvements thereon, or assists in  
6 procuring prospects or holds himself or herself out as a referral  
7 agent for the purpose of securing prospects for the listing, sale,  
8 purchase, exchange, renting, leasing, or optioning of any real  
9 estate or collects rents or attempts to collect rents, gives a  
10 broker's price opinion or comparative market analysis, or holds  
11 himself or herself out as engaged in any of the foregoing. Broker  
12 also includes any person: (a) Employed, by or on behalf of the  
13 owner or owners of lots or other parcels of real estate, for any  
14 form of compensation or consideration to sell such real estate  
15 or any part thereof in lots or parcels or make other disposition  
16 thereof; (b) who auctions, offers, attempts, or agrees to auction  
17 real estate; or (c) who buys or offers to buy or sell or otherwise  
18 deals in options to buy real estate;

19           (3) Associate broker means a person who has a broker's  
20 license and who is employed by another broker to participate in any  
21 activity described in subdivision (2) of this section;

22           (4) Designated broker means an individual holding a  
23 broker's license who has full authority to conduct the real estate  
24 activities of a real estate business. In a sole proprietorship, the  
25 owner, or broker identified by the owner, shall be the designated  
26 broker. In the event the owner identifies the designated broker,  
27 the owner shall file a statement with the commission subordinating

1 to the designated broker full authority to conduct the real  
2 estate activities of the sole proprietorship. In a partnership,  
3 limited liability company, or corporation, the partners, limited  
4 liability company members, or board of directors shall identify  
5 the designated broker for its real estate business by filing  
6 a statement with the commission subordinating to the designated  
7 broker full authority to conduct the real estate activities of  
8 the partnership, limited liability company, or corporation. The  
9 designated broker shall also be responsible for supervising the  
10 real estate activities of any associate brokers or salespersons;

11 (5) Inactive broker means an associate broker whose  
12 license has been returned to the commission by the licensee's  
13 broker, a broker who has requested the commission to place the  
14 license on inactive status, a new licensee who has failed to  
15 designate an employing broker or have the license issued as an  
16 individual broker, or a broker whose license has been placed on  
17 inactive status under statute, rule, or regulation;

18 (6) Salesperson means any person, other than an associate  
19 broker, who is employed by a broker to participate in any activity  
20 described in subdivision (2) of this section;

21 (7) Inactive salesperson means a salesperson whose  
22 license has been returned to the commission by the licensee's  
23 broker, a salesperson who has requested the commission to place  
24 the license on inactive status, a new licensee who has failed to  
25 designate an employing broker, or a salesperson whose license has  
26 been placed on inactive status under statute, rule, or regulation;

27 (8) Person means and includes individuals, corporations,



1 partnerships, and limited liability companies, except that when  
2 referring to a person licensed under the act, it means an  
3 individual;

4 (9) Subdivision or subdivided land means any real estate  
5 offered for sale and which has been registered under the Interstate  
6 Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15  
7 U.S.C. 1701 and following, as such act existed on January 1, 1973,  
8 or real estate located out of this state which is divided or  
9 proposed to be divided into twenty-five or more lots, parcels, or  
10 units;

11 (10) Subdivider means any person who causes land to be  
12 subdivided into a subdivision for himself, herself, or others or  
13 who undertakes to develop a subdivision but does not include a  
14 public agency or officer authorized by law to create subdivisions;

15 (11) Purchaser means a person who acquires or attempts to  
16 acquire or succeeds to an interest in land;

17 (12) Commission means the State Real Estate Commission;

18 (13) Broker's price opinion means an analysis, opinion,  
19 or conclusion prepared by a person licensed under the Nebraska Real  
20 Estate License Act in the ordinary course of his or her business  
21 relating to the price of specified interests in or aspects of  
22 identified real estate or identified real property for the purpose  
23 of (a) listing, purchase, or sale or (b) obtaining, extending, or  
24 modifying financing in a transaction other than a federally-related  
25 transaction, as defined in section 4 of this act;

26 (14) Comparative market analysis means an analysis,  
27 opinion, or conclusion prepared by a person licensed under the

1 act in the ordinary course of his or her business relating to  
2 the price of specified interests in or aspects of identified real  
3 estate or identified real property by comparison to other real  
4 property currently or recently in the marketplace for the purpose  
5 of (a) listing, purchase, or sale or (b) obtaining, extending, or  
6 modifying financing in a transaction other than a federally-related  
7 transaction, as defined in section 4 of this act;

8 (15) Distance education means courses in which  
9 instruction does not take place in a traditional classroom setting,  
10 but rather through other media by which instructor and student are  
11 separated by distance and sometimes by time; and

12 (16) Regulatory jurisdiction means a state, district, or  
13 territory of the United States, a province of Canada or a foreign  
14 country, or a political subdivision of a foreign country, which  
15 has implemented and administers laws regulating the activities of a  
16 broker.

17 Sec. 33. Original sections 76-2201, 76-2202, 76-2203,  
18 76-2206, 76-2209, 76-2211, 76-2213, 76-2213.01, 76-2216, 76-2221,  
19 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01,  
20 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02,  
21 76-2236, 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, 77-5004, and  
22 81-885.01, Reissue Revised Statutes of Nebraska, are repealed.

23 Sec. 34. The following section is outright repealed:  
24 Section 76-2207, Reissue Revised Statutes of Nebraska.

25 Sec. 35. Since an emergency exists, this act takes effect  
26 when passed and approved according to law.