

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 931

FINAL READING

Introduced by Sullivan, 41; Utter, 33.

Read first time January 13, 2010

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to real property; to amend sections 76-2202,
2 76-2206, 76-2213, 76-2213.01, 76-2216, 76-2221, 76-2223,
3 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01,
4 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01,
5 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241,
6 76-2249, 77-5004, and 81-885.01, Reissue Revised Statutes
7 of Nebraska, and section 81-885, Revised Statutes
8 Supplement, 2009; to change and eliminate provisions
9 of the Real Property Appraiser Act and the Nebraska
10 Real Estate License Act; to harmonize provisions; to
11 repeal the original sections; to outright repeal sections
12 76-2207, 76-2209, and 76-2211, Reissue Revised Statutes
13 of Nebraska; and to declare an emergency.

LB 931

LB 931

1 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2202, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2202 ~~The Legislature finds that changes to the Real~~
4 ~~Property Appraiser Act made by Laws 2006, LB 778, are necessary~~
5 ~~to comply with the Appraiser Qualifications Board's Real Property~~
6 ~~Appraiser Qualification Criteria, effective January 1, 2008.~~
7 ~~Further, the increased educational standards required by Laws 2006,~~
8 ~~LB 778, are due to the changes in the required core curriculum~~
9 ~~necessitated by the 2008 criteria.~~

10 The Legislature finds that as a result of the enactment
11 of the Financial Institutions Reform, Recovery, and Enforcement
12 Act of 1989, as the act existed on January 1, 2010, Nebraska's
13 laws providing for regulation of real property appraisers require
14 restructuring in order to comply with Title XI of the act.
15 Compliance with the act is necessary to ensure an adequate number
16 of appraisers in Nebraska to conduct appraisals of real estate
17 involved in federally related transactions as defined in the act.

18 Sec. 2. Section 76-2206, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 76-2206 Appraisal report means any communication,
21 written, ~~or~~ oral, or by electronic means, of an appraisal. The
22 testimony of a real property appraiser dealing with the appraiser's
23 analyses, conclusions, or opinions concerning identified real
24 estate or identified real property is deemed to be an oral
25 appraisal report.

1 Sec. 3. Section 76-2213, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2213 Licensed residential real property appraiser
4 means a person who holds a valid credential as a licensed
5 residential real property appraiser issued under the Real Property
6 Appraiser Act. Licensed residential real property appraiser
7 includes persons defined as licensed real property appraisers prior
8 to the effective date of this act.

9 Sec. 4. Section 76-2213.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 76-2213.01 Uniform Standards of Professional Appraisal
12 Practice means the standards promulgated by the Appraisal
13 Foundation, as the standards existed on January 1, ~~2008~~, 2010.

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

16 76-2216 Real property appraiser means a person (1) who
17 engages in real property appraisal activity, (2) who advertises
18 or holds himself or herself out to the general public as a real
19 property appraiser, or (3) who offers, attempts, or agrees to
20 perform or performs real property appraisal activity. ~~with the~~
21 ~~intention or upon the promise of receiving valuable consideration.~~
22 Real property appraiser includes persons defined as real estate
23 appraisers prior to July 14, 2006.

24 Sec. 6. Section 76-2221, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 76-2221 The Real Property Appraiser Act shall not apply
2 to:

3 (1) Any real property appraiser who is a salaried
4 employee of (a) the federal government, (b) any agency of the
5 state government or a political subdivision which appraises real
6 estate, (c) any insurance company authorized to do business in this
7 state, or (d) any bank, savings bank, savings and loan association,
8 building and loan association, credit union, or small loan company
9 licensed by the state or supervised or regulated by or through
10 federal enactments covering financial institutions, except that any
11 employee of the entities listed in subdivisions (a) through (d) of
12 this subdivision who signs an appraisal report as a credentialed
13 real property appraiser shall be subject to the act and the
14 Uniform Standards of Professional Appraisal Practice. Any salaried
15 employee of the entities listed in subdivisions (a) through (d)
16 of this subdivision who does not sign an appraisal report as a
17 credentialed real property appraiser shall include the following
18 disclosure prominently with such report: This opinion of value may
19 not meet the minimum standards contained in the Uniform Standards
20 of Professional Appraisal Practice and is not governed by the Real
21 Property Appraiser Act;

22 (2) A person licensed under the Nebraska Real Estate
23 License Act who, in the ordinary course of his or her business,
24 gives a broker's price opinion or comparative market analysis,
25 except that such opinion or analysis shall not be referred to as

1 an appraisal. No compensation, fee, or other consideration shall
 2 be charged for such opinion or analysis other than a real estate
 3 commission or brokerage fee charged or paid for brokerage services
 4 rendered in connection with the sale of the real estate involved
 5 unless the opinion or analysis is in writing and carries the
 6 following disclosure in bold fourteen-point type: This opinion or
 7 analysis is not an appraisal. It is intended only for the benefit
 8 of the addressee for the purpose of assisting buyers or sellers or
 9 prospective buyers or sellers in deciding the listing, offering,
 10 or sale price of the real property and not for any other purpose,
 11 including, but not limited to, lending purposes. This opinion or
 12 analysis is not governed by the Real Property Appraiser Act, but
 13 is subject to enforcement through the Nebraska Real Estate License
 14 Act, referred to in subsection (1) of section 28 of this act;

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

23 (4) Any owner of real estate, employee of the owner,
 24 or attorney licensed to practice law in the State of Nebraska
 25 representing the owner who renders an estimate or opinion of value

1 of the real estate or any interest in the real estate when such
2 estimate or opinion is for the purpose of real estate taxation, or
3 any other person who renders such an estimate or opinion of value
4 when that estimate or opinion requires a specialized knowledge
5 that a real property appraiser would not have, except that a real
6 property appraiser or a person licensed under the Nebraska Real
7 Estate License Act is not exempt under this subdivision;

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

19 (6) 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 offered in connection with a legal matter
24 involving real property; or

25 (7) Any person appointed by a county board of

1 equalization to act as a referee pursuant to section 77-1502.01,
2 except that any person who also practices as an independent real
3 property appraiser for others shall be subject to the Real Property
4 Appraiser Act and shall be credentialed prior to engaging in such
5 other appraising. Any appraiser appointed to act as a referee
6 pursuant to section 77-1502.01 and who prepares an appraisal report
7 for the county board of equalization shall not sign such appraisal
8 report as a credentialed appraiser and shall include the following
9 disclosure prominently with such report: This opinion of value may
10 not meet the minimum standards contained in the Uniform Standards
11 of Professional Appraisal Practice and is not governed by the Real
12 Property Appraiser Act.

13 Sec. 7. Section 76-2223, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2223 The ~~board~~ Real Property Appraiser Board shall
16 administer and enforce the Real Property Appraiser Act and may:

17 (1) Receive applications for credentialing under the act,
18 process such applications and regulate the issuance of credentials
19 to qualified applicants, and maintain a directory of the names and
20 addresses of persons who receive credentials under the act;

21 (2) Hold meetings, public hearings, informal conferences,
22 and administrative hearings, prepare or cause to be prepared
23 specifications for all appraiser classifications, solicit bids
24 and enter into contracts with one or more ~~educational~~ testing
25 services, ~~or organizations for the preparation of a bank of~~

1 ~~questions and answers for examinations,~~ and administer or contract
2 for the administration of examinations approved by the Appraiser
3 Qualifications Board in such places and at such times as deemed
4 appropriate;

5 (3) Develop the specifications for credentialing
6 examinations, including timing, location, and security necessary to
7 maintain the integrity of the examinations;

8 (4) Review from time to time the procedure for selecting
9 individual questions from the bank of questions for use in
10 connection with each scheduled examination and review from time
11 to time the questions in the bank of questions and the related
12 answers to ascertain that they meet the specifications established
13 by the board, the procedures and criteria of a contracted testing
14 service to ensure that the testing meets with the approval of the
15 Appraiser Qualifications Board;

16 (5) Collect all fees required or permitted by the act.
17 The board Real Property Appraiser Board shall remit all such
18 receipts to the State Treasurer for credit to the Real Property
19 Appraiser Fund. In addition, the board may collect and transmit
20 to the appropriate federal authority any fees established under
21 the Financial Institutions Reform, Recovery, and Enforcement Act of
22 1989, as the act existed on January 1, ~~2008,~~ 2010;

23 (6) Establish appropriate administrative procedures for
24 disciplinary proceedings conducted pursuant to the Real Property
25 Appraiser Act;

1 (7) Issue subpoenas to compel the attendance of witnesses
2 and the production of books, documents, records, and other papers,
3 administer oaths, and take testimony and require submission of and
4 receive evidence concerning all matters within its jurisdiction.
5 In case of disobedience of a subpoena, the ~~board~~ Real Property
6 Appraiser Board may make application to the district court of
7 Lancaster County to require the attendance and testimony of
8 witnesses and the production of documentary evidence. If any
9 person fails to obey an order of the court, he or she may be
10 punished by the court as for contempt thereof;

11 (8) Deny, censure, suspend, or revoke an application or
12 credential if it finds that the applicant or credential holder has
13 committed any of the acts or omissions set forth in section 76-2238
14 or otherwise violated the act. Any disciplinary matter may be
15 resolved through informal disposition pursuant to section 84-913;

16 (9) Take appropriate disciplinary action against a
17 credential holder if the ~~board~~ Real Property Appraiser Board
18 determines that a credential holder has violated any provision
19 of the act or the Uniform Standards of Professional Appraisal
20 Practice;

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

24 (11) Promote research and conduct studies relating to
25 the profession of real property appraisal, sponsor real property

1 appraisal educational activities, and incur, collect fees for, and
2 pay the necessary expenses in connection with activities which
3 shall be open to all credential holders;

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

6 (13) Adopt and promulgate rules and regulations to
7 carry out the act. The rules and regulations may include
8 provisions establishing minimum standards for schools, courses, and
9 instructors. The rules and regulations shall be adopted pursuant to
10 the Administrative Procedure Act; and

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

13 Sec. 8. Section 76-2225, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2225 The members of the board and the board's
16 employees or persons under contract with the board shall be
17 immune from any civil action or criminal prosecution for initiating
18 or assisting in any lawful investigation of the actions of or any
19 disciplinary proceeding concerning a credential holder pursuant to
20 the Real Property Appraiser Act if such action is taken without
21 malicious intent and in the reasonable belief that it was taken
22 pursuant to the powers vested in the members of the board or such
23 employees or persons.

24 Sec. 9. Section 76-2228, Reissue Revised Statutes of
25 Nebraska, is amended to read:

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

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

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

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

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

16 (5) Certified general real property appraiser, which
17 classification shall consist of those persons who meet the
18 requirements set forth in section 76-2232.

19 Sec. 10. Section 76-2228.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 76-2228.01 (1) ~~On and after January 1, 2008, to~~ To
22 qualify for a credential as a trainee real property appraiser, an
23 applicant shall:

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

25 (b) Hold a high school diploma or a certificate of high

1 school equivalency or have education acceptable to the board;

2 (c) Have successfully completed no fewer than
3 seventy-five class hours in board-approved courses of study
4 which relate to appraisal and which include completion of the
5 fifteen-hour National Uniform Standards of Professional Appraisal
6 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
7 Qualifications Board as of January 1, 2010, or the equivalent
8 of the course as approved by the Real Property Appraiser Board.

9 The fifteen-hour course shall be taught by a Uniform Standards
10 of Professional Appraisal Practice Instructor who is certified by
11 the Appraiser Qualifications Board and who is a state-certified
12 appraiser in good standing. The courses of study shall be conducted
13 by an accredited, degree-awarding university, college, or community
14 college, ~~or junior college~~, an appraisal society, institute, or
15 association, a state or federal agency or commission, a proprietary
16 school, or such other educational provider as may be approved
17 by the ~~board~~ Real Property Appraiser Board and shall be, at a
18 minimum, fifteen class hours in length. Each course shall include
19 an examination pertinent to the material presented. The applicant
20 shall have completed the class hours within the five-year period
21 immediately preceding submission of the application and shall
22 have completed the fifteen-hour National Uniform Standards of
23 Professional Appraisal Practice Course within the two-year period
24 immediately preceding submission of the application;

25 (d) Be subject to direct supervision by a supervising

1 appraiser or appraisers who are certified residential real property
2 appraisers or certified general real property appraisers in good
3 standing. The supervising appraiser shall be responsible for the
4 training and direct supervision of the trainee by accepting
5 responsibility for the appraisal report by signing and certifying
6 the report is in compliance with the Uniform Standards of
7 Professional Appraisal Practice, reviewing the trainee appraisal
8 reports, and personally inspecting each appraised property with
9 the trainee as is consistent with his or her scope of practice
10 until the supervising appraiser determines the trainee is competent
11 in accordance with the competency rule of the Uniform Standards
12 of Professional Appraisal Practice. The trainee shall maintain an
13 appraisal log for each supervising appraiser in accordance with
14 standards set by rule and regulation of the board; and

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

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

20 (a) For a credential as a licensed residential real
21 property appraiser, he or she shall (i) complete seventy-five
22 additional hours of designated core curriculum education and (ii)
23 meet the experience requirements pursuant to subdivision (1)(d) of
24 section 76-2230;

25 (b) For a credential as a certified residential real

1 property appraiser, he or she shall (i) complete one hundred
2 twenty-five additional hours of designated core curriculum
3 education, (ii) meet the experience requirements pursuant to
4 subdivision (1)(d) of section 76-2231.01, and (iii) meet the
5 postsecondary educational requirements pursuant to subdivision
6 (1)(b)(i) or (ii) of section 76-2231.01; or

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

14 ~~(2)~~ (3) If a trainee real property appraiser remains
15 in the classification in excess of two years, the trainee shall
16 be required in the third and successive years to successfully
17 complete no fewer than fourteen hours of instruction in courses
18 or seminars for each year of the period preceding the renewal and
19 shall have completed the seven-hour National Uniform Standards of
20 Professional Appraisal Practice Update Course, ~~or its equivalent,~~
21 as the course existed on January 1, 2010, or the equivalent of
22 the course as approved by the Real Property Appraiser Board, at a
23 minimum of every two years. The courses of study shall be conducted
24 by an accredited, degree-awarding university, college, or community
25 college, or junior college, an appraisal society, institute, or

1 association, a state or federal agency or commission, a proprietary
2 school, or such other educational provider as may be approved by
3 the board. Credit may be granted for educational offerings and for
4 participation other than as a student as approved by the board.

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

9 Sec. 11. Section 76-2229, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 76-2229 (1) No person other than a registered real
12 property appraiser shall assume or use the title registered real
13 property appraiser or any title, designation, or abbreviation
14 likely to create the impression of credentialing as a registered
15 real property appraiser by this state. No person other than a
16 licensed residential real property appraiser shall assume or use
17 the title licensed residential real property appraiser or any
18 title, designation, or abbreviation likely to create the impression
19 of credentialing as a licensed residential real property appraiser
20 by this state. No person other than a certified residential
21 real property appraiser shall assume or use the title certified
22 residential real property appraiser or any title, designation, or
23 abbreviation likely to create the impression of credentialing as
24 a certified residential real property appraiser by this state.
25 No person other than a certified general real property appraiser

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

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

1 construed to prevent a credential holder from signing an appraisal
2 report on behalf of a corporation, partnership, limited liability
3 company, firm, or group if it is clear that only the individual
4 holds the credential and that the corporation, partnership, limited
5 liability company, firm, or group does not.

6 Sec. 12. Section 76-2229.01, Reissue Revised Statutes of
7 Nebraska, is amended to read:

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

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

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

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

1 of study shall include an examination pertinent to the material
2 presented;

3 (d) Pass Within the twelve months following approval
4 of the applicant by the Real Property Appraiser Board, pass an
5 examination approved by the Appraiser Qualifications Board as of
6 January 1, 2010, and administered by the board a contracted testing
7 service which demonstrates that the applicant has:

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

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

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

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

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

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

22 (vii) An understanding of the Uniform Standards of
23 Professional Appraisal Practice;

24 (viii) An understanding of the recognized methods and
25 techniques necessary for the development and communication of a

1 credible appraisal; and

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

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

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

9 (a) For a credential as a licensed residential real
10 property appraiser, he or she shall (i) complete sixty additional
11 hours of designated core curriculum education and (ii) meet the
12 experience requirements pursuant to subdivision (1)(d) of section
13 76-2230;

14 (b) For a credential as a certified residential real
15 property appraiser, he or she shall (i) complete one hundred ten
16 additional hours of designated core curriculum education, (ii)
17 meet the experience requirements pursuant to subdivision (1)(d) of
18 section 76-2231.01, and (iii) meet the postsecondary educational
19 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
20 76-2231.01; or

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

1 requirements pursuant to subdivision (1) (b) (i) or (ii) of section
 2 76-2232.

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

6 ~~(3)~~ ~~On and after January 1, 2008,~~ the (4) The scope of
 7 practice of a registered real property appraiser shall be limited
 8 to the appraisal of noncomplex property having one, two, three, or
 9 four residential units having a transaction value of less than two
 10 hundred fifty thousand dollars.

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

18 Sec. 13. Section 76-2230, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 76-2230 (1) ~~On and after January 1, 2008,~~ ~~to~~ To qualify
 21 for a credential as a licensed residential real property appraiser,
 22 an applicant shall:

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

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

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

9 The fifteen-hour course shall be taught by a Uniform Standards
10 of Professional Appraisal Practice Instructor who is certified by
11 the Appraiser Qualifications Board and who is a state-certified
12 appraiser in good standing. The courses of study shall be conducted
13 by an accredited, degree-awarding university, college, or community
14 college, ~~or junior college~~, an appraisal society, institute, or
15 association, a state or federal agency or commission, a proprietary
16 school, or such other educational provider as may be approved
17 by the ~~board~~ Real Property Appraiser Board and shall be, at a
18 minimum, fifteen class hours in length. Each course shall include a
19 closed-book examination pertinent to the material presented;

20 (d) Have no fewer than two 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

1 but shall be acceptable to the board and subject to review and
2 determination as to conformity with the Uniform Standards of
3 Professional Appraisal Practice. The experience shall have occurred
4 during a period of no fewer than twelve months. If requested,
5 evidence acceptable to the board concerning the experience shall
6 be presented by the applicant in the form of written reports or
7 file memoranda;

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

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

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

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

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

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

25 (vi) An understanding of the types of misconduct for

1 which disciplinary proceedings may be initiated;

2 (vii) An understanding of the Uniform Standards of
3 Professional Appraisal Practice;

4 (viii) An understanding of the recognized methods and
5 techniques necessary for the development and communication of a
6 credible appraisal; and

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

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

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

14 (a) For a credential as a certified residential
15 real property appraiser, he or she shall (i) complete fifty
16 additional hours of designated core curriculum education, (ii)
17 meet the experience requirements pursuant to subdivision (1)(d) of
18 section 76-2231.01, and (iii) meet the postsecondary educational
19 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
20 76-2231.01; or

21 (b) For a credential as a certified general real property
22 appraiser, he or she shall (i) complete one hundred fifty
23 additional hours of designated core curriculum education, (ii)
24 meet the experience requirements pursuant to subdivision (1)(d)
25 of section 76-2232, and (iii) meet the postsecondary educational

1 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
2 76-2232.

3 ~~(2) On and after January 1, 2008, the~~ (3) The scope of
4 practice for a licensed residential real property appraiser shall
5 be limited to the appraisal of noncomplex property having one,
6 two, three, or four residential units with a transaction value of
7 less than one million dollars and complex property having one, two,
8 three, or four residential units with a transaction value of less
9 than two hundred fifty thousand dollars.

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

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

9 ~~(4)~~ (5) The application for the credential as a licensed
 10 residential real property appraiser shall include the applicant's
 11 social security number and such other information as the board may
 12 require.

13 Sec. 14. Section 76-2231.01, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 76-2231.01 (1) ~~On and after January 1, 2008, to~~ To
 16 qualify for a credential as a certified residential real property
 17 appraiser, an applicant shall:

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

19 (b)(i) Hold an associate degree, or higher, from an
 20 accredited, degree-awarding university, college, or community
 21 college; ~~or junior college~~; or

22 (ii) Have successfully completed, as verified by
 23 the board, twenty-one semester hours of coursework or its
 24 equivalent from an accredited, degree-awarding university,
 25 college, or community college, ~~or junior college~~ that shall have

1 included English composition; principles of macroeconomics or
2 microeconomics; finance; algebra, geometry, or higher mathematics;
3 statistics; introduction to computers, including word processing
4 and spread sheets; and business or real estate law;

5 (c) Have successfully completed no fewer than two hundred
6 class hours, which may include the class hours set forth in
7 sections 76-2229.01 and 76-2230, in board-approved courses of study
8 which relate to appraisal and which include completion of the
9 fifteen-hour National Uniform Standards of Professional Appraisal
10 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
11 Qualifications Board as of January 1, 2010, or the equivalent
12 of the course as approved by the Real Property Appraiser Board.

13 The fifteen-hour course shall be taught by a Uniform Standards
14 of Professional Appraisal Practice Instructor who is certified by
15 the Appraiser Qualifications Board and who is a state-certified
16 appraiser in good standing. The courses of study shall be conducted
17 by an accredited, degree-awarding university, college, or community
18 college, ~~or junior college~~, an appraisal society, institute, or
19 association, a state or federal agency or commission, a proprietary
20 school, or such other educational provider as may be approved
21 by the ~~board~~ Real Property Appraiser Board and shall be, at a
22 minimum, fifteen class hours in length. ~~Credit toward the class~~
23 ~~hour requirement may be awarded to teachers of appraisal courses.~~
24 Each course shall include a closed-book examination pertinent to
25 the material presented;

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

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

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

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

24 (iii) An understanding of the principles of land
25 economics, appraisal processes, and problems encountered in the

1 gathering, interpreting, and processing of data involved in the
2 valuation of real property;

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

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

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

8 (vii) An understanding of the Uniform Standards of
9 Professional Appraisal Practice;

10 (viii) An understanding of the recognized methods and
11 techniques necessary for the development and communication of a
12 credible appraisal; and

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

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

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

20 (a) Complete one hundred additional hours of designated
21 core curriculum education;

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

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

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

6 ~~(3)~~ (4) If an applicant is applying for renewal of a
7 credential as a certified residential real property appraiser, ~~en~~
8 ~~and after January 1, 2008,~~ the applicant shall have successfully
9 completed no fewer than fourteen hours of instruction in courses
10 or seminars for each year of the two-year continuing education
11 period during which the application is submitted and shall have
12 completed the seven-hour National Uniform Standards of Professional
13 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
14 by the Appraiser Qualifications Board as of January 1, 2010, or
15 the equivalent of the course as approved by the Real Property
16 Appraiser Board, at a minimum of every two years. The seven-hour
17 course shall be taught by a Uniform Standards of Professional
18 Appraisal Practice Instructor who is certified by the Appraiser
19 Qualifications Board and who is a state-certified appraiser in
20 good standing. Credit toward a classroom hour requirement may
21 be granted only if the length of the educational offering is
22 at least two hours. The courses of study shall be conducted by
23 an accredited, degree-awarding university, college, or community
24 college, ~~or junior college,~~ an appraisal society, institute, or
25 association, a state or federal agency or commission, a proprietary

1 school, or such other educational provider as may be approved by
2 the ~~board~~. Real Property Appraiser Board. Credit may be granted for
3 educational offerings and for participation other than as a student
4 as approved 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. 15. 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;

1 (c) Have successfully completed no fewer than three
2 hundred class hours, which may include the class hours set forth
3 in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved
4 courses of study which relate to appraisal and which include
5 completion of the fifteen-hour National Uniform Standards of
6 Professional Appraisal Practice Course, ~~or its equivalent~~ as
7 approved by the Appraiser Qualifications Board as of January
8 1, 2010, or the equivalent of the course as approved by the
9 Real Property Appraiser Board. The fifteen-hour course shall be
10 taught by a Uniform Standards of Professional Appraisal Practice
11 Instructor who is certified by the Appraiser Qualifications
12 Board and who is a state-certified appraiser in good standing.
13 The courses of study shall be conducted by an accredited,
14 degree-awarding university, college, or community college, ~~or~~
15 ~~junior college~~, an appraisal society, institute, or association,
16 a state or federal agency or commission, a proprietary school, or
17 such other educational provider as may be approved by the ~~board~~
18 Real Property Appraiser Board and shall be, at a minimum, fifteen
19 class hours in length. ~~Credit toward the class hour requirement~~
20 ~~may be awarded to teachers of appraisal courses~~. Each course
21 shall include a closed-book examination pertinent to the material
22 presented;

23 (d) Have no fewer than three thousand hours of experience
24 in any combination of the following: Fee and staff appraisal;
25 ad valorem tax appraisal; condemnation appraisal; technical

1 review appraisal; appraisal analysis; real estate consulting;
2 highest-and-best-use analysis; and feasibility analysis or study.
3 The required experience shall not be limited to the listed items
4 but shall be acceptable to the board and subject to review and
5 determination as to conformity with the Uniform Standards of
6 Professional Appraisal Practice. The experience shall have occurred
7 during a period of no fewer than thirty months. If requested,
8 evidence acceptable to the board concerning the experience shall
9 be presented by the applicant in the form of written reports or
10 file memoranda;

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

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

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

21 (iii) An understanding of the principles of land
22 economics, appraisal processes, and problems encountered in the
23 gathering, interpreting, and processing of data involved in the
24 valuation of real property;

25 (iv) Knowledge of the appraisal of various types of and

1 interests in real property for various functions and purposes;

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

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

5 (vii) An understanding of the Uniform Standards of
6 Professional Appraisal Practice;

7 (viii) An understanding of the recognized methods and
8 techniques necessary for the development and communication of a
9 credible appraisal; and

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

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

14 (2) If an applicant is applying for renewal of a
15 credential as a certified general real property appraiser, ~~on~~
16 ~~and after January 1, 2008,~~ the applicant shall have successfully
17 completed no fewer than fourteen hours of instruction in courses
18 or seminars for each year of the two-year continuing education
19 period during which the application is submitted and shall have
20 completed the seven-hour National Uniform Standards of Professional
21 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
22 by the Appraiser Qualifications Board as of January 1, 2010, or
23 the equivalent of the course as approved by the Real Property
24 Appraiser Board, at a minimum of every two years. The seven-hour
25 course shall be taught by a Uniform Standards of Professional

1 Appraisal Practice Instructor who is certified by the Appraiser
2 Qualifications Board and who is a state-certified appraiser in
3 good standing. Credit toward a classroom hour requirement may
4 be granted only if the length of the educational offering is
5 at least two hours. The courses of study shall be conducted by
6 an accredited, degree-awarding university, college, or community
7 college, ~~or junior college,~~ an appraisal society, institute, or
8 association, a state or federal agency or commission, a proprietary
9 school, or such other educational provider as may be approved by
10 the board. Real Property Appraiser Board. Credit may be granted for
11 educational offerings and for participation other than as a student
12 as approved by the board.

13 (3) The application for a credential as a certified
14 general real property appraiser shall include the applicant's
15 social security number and such other information as the board may
16 require.

17 Sec. 16. Section 76-2233, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 76-2233 (1) A nonresident of this state may obtain a
20 credential as a licensed residential real property appraiser, a
21 certified residential real property appraiser, or a certified
22 general real property appraiser by (a) complying with all of
23 the provisions of the Real Property Appraiser Act relating to
24 the appropriate classification of credentialing, (b) submitting an
25 application on a form approved by the board, and (c) submitting an

1 irrevocable consent that service of process upon him or her may be
2 made by delivery of the process to the director of the board if the
3 plaintiff cannot, in the exercise of due diligence, effect personal
4 service upon the applicant in an action against the applicant in a
5 court of this state arising out of the applicant's activities in
6 this state.

7 (2) If, in the determination of the board, another
8 state or territory or the District of Columbia has substantially
9 equivalent requirements to the requirements of this state, an
10 applicant who is a resident of that state, territory, or district
11 and is currently credentialed to appraise real estate and real
12 property under the laws of that state, territory, or district may
13 through reciprocity become credentialed under the act. To qualify
14 for reciprocal credentialing, the applicant shall:

15 (a) Submit evidence that he or she is currently a
16 resident of the state, territory, or District of Columbia in which
17 he or she is credentialed to appraise real estate and real property
18 and that such credential is in good standing, along with his or her
19 social security number and such other information as the board may
20 require;

21 (b) Certify that disciplinary proceedings are not pending
22 against him or her or state the nature of any pending disciplinary
23 proceedings;

24 (c) Submit an irrevocable consent that service of process
25 upon him or her may be made by delivery of the process to the

1 director of the board if the plaintiff cannot, in the exercise of
2 due diligence, effect personal service upon the applicant in an
3 action against the applicant in a court of this state arising out
4 of the applicant's activities as a real property appraiser in this
5 state;

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

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

9 Sec. 17. Section 76-2233.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 76-2233.01 A nonresident may obtain a temporary
12 credential as a licensed residential real property appraiser, a
13 certified residential real property appraiser, or a certified
14 general real property appraiser to perform a contract relating to
15 the appraisal of real estate or real property in this state. To
16 qualify for the issuance of a temporary credential, an applicant
17 shall:

18 (1) Submit an application on a form approved by the
19 board;

20 (2) Submit an irrevocable consent that service of process
21 upon him or her may be made by delivery of the process to the
22 director of the board if the plaintiff cannot, in the exercise of
23 due diligence, effect personal service upon the applicant in an
24 action against the applicant in a court of this state arising out
25 of the applicant's activities in this state;

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

6 (4) Certify that disciplinary proceedings are not pending
7 against the applicant in the applicant's state of domicile or
8 in any other jurisdiction or state the nature of any pending
9 disciplinary proceedings; and

10 (5) Pay an application fee in an amount established by
11 the board.

12 A temporary credential issued under this section shall be
13 expressly limited to a grant of authority to perform the appraisal
14 work required by the contract for appraisal services in this state.
15 Each temporary credential shall expire upon the completion of the
16 appraisal work required by the contract for appraisal services or
17 upon the expiration of a period of six months from the date of
18 issuance, whichever occurs first. A temporary credential may be
19 renewed for one additional six-month period.

20 Sec. 18. Section 76-2233.02, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 76-2233.02 A credential issued under the Real Property
23 Appraiser Act other than a temporary credential shall remain in
24 effect until December 31 ~~following the date of credentialing of~~
25 the designated year unless surrendered, revoked, suspended, or

1 canceled prior to such date. To renew a valid credential, the
2 credential holder shall file an application on a form approved
3 by the board and pay the prescribed renewal fee to the board
4 not later than November 30 of ~~each~~ the designated year. In every
5 second year of renewal, as specified in section 76-2236, evidence
6 of completion of continuing education requirements shall accompany
7 renewal application or be on file with the board prior to renewal.

8 If a credential holder fails to apply and meet the
9 requirements for renewal by November 30 of the designated year,
10 such credential holder may obtain a renewal of such credential by
11 satisfying all of the requirements for renewal and paying a late
12 renewal fee if such late renewal takes place prior to July 1 of the
13 following year. The board may refuse to renew any credential if the
14 credential holder has continued to perform real property appraisal
15 activities or other related activities in this state following the
16 expiration of his or her credential.

17 Sec. 19. Section 76-2236, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 76-2236 Every credential holder shall furnish evidence
20 to the board that he or she has satisfactorily completed no
21 fewer than twenty-eight hours of approved continuing education
22 activities in each two-year continuing education period. Hours of
23 satisfactorily completed approved continuing education activities
24 cannot be carried over from one two-year continuing education
25 period to another. ~~The board may extend or waive the continuing~~

1 ~~education requirements by rule or regulation.~~ As prescribed by
2 rule or regulation of the board and at least once every two
3 years, the seven-hour National Uniform Standards of Professional
4 Appraisal Practice Update Course, ~~or its equivalent~~ as approved by
5 the Appraiser Qualifications Board as of January 1, 2010, or the
6 equivalent of the course as approved by the Real Property Appraiser
7 Board, shall be included in the continuing education requirement
8 of each credential holder. As prescribed by rule or regulation
9 of the Real Property Appraiser Board and at least once every
10 four years, a seven-hour report writing update course shall be
11 included in the continuing education requirement of each credential
12 holder. The board Real Property Appraiser Board shall approve
13 continuing education activities which it determines would protect
14 the public by improving the competency of credential holders.
15 Evidence of completion of such continuing education activities for
16 the two-year continuing education period may be submitted to the
17 board as each activity is completed. A person who holds a temporary
18 or reciprocal credential shall not have to meet any continuing
19 education requirements in this state.

20 Sec. 20. Section 76-2237, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 76-2237 Each credential holder shall comply with the
23 Uniform Standards of Professional Appraisal Practice. The board
24 shall adopt and promulgate rules and regulations which conform to
25 the Uniform Standards of Professional Appraisal Practice. The board

1 shall review such rules and regulations annually. A copy of each
2 such rule or regulation shall be mailed to the business address of
3 transmitted electronically to each credential holder and shall be
4 made available on the board's web site.

5 Sec. 21. Section 76-2238, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2238 The following acts and omissions shall be
8 considered grounds for disciplinary action or denial of an
9 application by the board:

10 (1) Failing to meet the minimum qualifications for
11 credentialing established by or pursuant to the Real Property
12 Appraiser Act;

13 (2) Procuring or attempting to procure a credential
14 under the act by knowingly making a false statement, submitting
15 false information, or making a material misrepresentation in an
16 application filed with the board or procuring or attempting to
17 procure a credential through fraud or misrepresentation;

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

21 (4) An act or omission involving real estate or appraisal
22 practice which constitutes dishonesty, fraud, or misrepresentation
23 with or without the intent to substantially benefit the credential
24 holder or another person or with the intent to substantially injure
25 another person;

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

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

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

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

14 (9) Making a false or misleading statement in that
15 portion of a written appraisal report that deals with professional
16 qualifications or in any testimony concerning professional
17 qualifications;

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

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

23 (12) Acceptance of a fee for performing a real property
24 appraisal valuation assignment or evaluation assignment when the
25 fee is or was contingent upon (a) the real property appraiser

1 reporting a predetermined analysis, opinion, or conclusion, (b) the
2 analysis, opinion, conclusion, or valuation reached, or (c) the
3 consequences resulting from the appraisal;

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

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

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

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

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

19 (18) Failure to comply with terms of a consent agreement
20 or settlement agreement;

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

24 (20) Failure of an educational provider to produce
25 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. 22. 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

1 accordance with the Administrative Procedure Act.

2 Sec. 23. Section 76-2241, Reissue Revised Statutes of
3 Nebraska, is amended to read:

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

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

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

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

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

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

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

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

25 In addition to the fees set forth in this section, the

1 board may collect and transmit to the appropriate federal authority
2 any fees established under the provisions of the Financial
3 Institutions Reform, Recovery, and Enforcement Act of 1989, as
4 the act existed on January 1, ~~2008-~~ 2010. The board may establish
5 such fees as it deems appropriate for special examinations and
6 other services provided by the board. All fees and other revenue
7 collected pursuant to the Real Property Appraiser Act shall be
8 remitted by the board to the State Treasurer for credit to the Real
9 Property Appraiser Fund.

10 Sec. 24. Section 76-2249, Reissue Revised Statutes of
11 Nebraska, is amended to read:

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

20 (2) The board shall provide without charge to any
21 credential holder under the act a set of rules and regulations
22 adopted and promulgated by the board and any other information
23 which the board deems important in the area of real property
24 appraisal in the State of Nebraska. The information may be printed
25 in a booklet, a pamphlet, or any other form the board determines

1 appropriate. The board may update such material as often as it
2 deems necessary. The board may provide such material to any other
3 person upon request and may charge a fee for the material. The
4 fee shall be reasonable and shall not exceed any reasonable or
5 necessary costs of producing the material for distribution.

6 Sec. 25. Section 77-5004, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 77-5004 (1) Each commissioner shall be a qualified voter
9 and resident of the state and, for each commissioner representing
10 a congressional district, a domiciliary of the district he or she
11 represents.

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

17 (a) Appropriate knowledge of terms commonly used in or
18 related to real property appraisal and of the writing of appraisal
19 reports;

20 (b) Adequate knowledge of depreciation theories, cost
21 estimating, methods of capitalization, and real property appraisal
22 mathematics;

23 (c) An understanding of the principles of land economics,
24 appraisal processes, and problems encountered in the gathering,
25 interpreting, and evaluating of data involved in the valuation of

1 real property, including complex industrial properties and mass
2 appraisal techniques;

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

5 (e) At least thirty hours of successfully completed
6 class hours in courses of study, approved by the Real Property
7 Appraiser Board, which relate to appraisal and which include the
8 fifteen-hour National Uniform Standards of Professional Appraisal
9 Practice Course. If a commissioner has not received such training
10 prior to his or her appointment, such training shall be completed
11 within one year after appointment; and

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

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

18 (4) Prior to January 1, 2002, the chairperson, and on and
19 after January 1, 2002, at least two commissioners, shall have been
20 engaged in the practice of law in the State of Nebraska for at
21 least five years, which may include prior service as a judge, and
22 shall be currently admitted to practice before the Nebraska Supreme
23 Court.

24 (5) No commissioner or employee of the commission shall
25 hold any position of profit or engage in any occupation or business

1 interfering with or inconsistent with his or her duties as a
2 commissioner or employee. A person is not eligible for appointment
3 and may not hold the office of commissioner or be appointed by the
4 commission to or hold any office or position under the commission
5 if he or she holds any official office or position.

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

10 (i) Sponsored by a recognized assessment or appraisal
11 organization, in each of these areas: Utility and railroad
12 appraisal; appraisal of complex industrial properties; appraisal
13 of other hard to assess properties; and mass appraisal, residential
14 or agricultural appraisal, or assessment administration; or

15 (ii) Pertaining to management, law, civil or
16 administrative procedure, or other knowledge or skill necessary for
17 performing the duties of the office.

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

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

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

5 Sec. 26. Section 81-885, Revised Statutes Supplement,
6 2009, is amended to read:

7 81-885 Sections 81-885 to 81-885.55 and section 28 of
8 this act shall be known and may be cited as the Nebraska Real
9 Estate License Act.

10 Sec. 27. Section 81-885.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 81-885.01 For purposes of the Nebraska Real Estate
13 License Act, unless the context otherwise requires:

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

18 (2) Broker means any person who, for any form of
19 compensation or consideration or with the intent or expectation
20 of receiving the same from another, negotiates or attempts to
21 negotiate the listing, sale, purchase, exchange, rent, lease, or
22 option for any real estate or improvements thereon, or assists in
23 procuring prospects or holds himself or herself out as a referral
24 agent for the purpose of securing prospects for the listing, sale,
25 purchase, exchange, renting, leasing, or optioning of any real

1 estate or collects rents or attempts to collect rents, gives a
2 broker's price opinion or comparative market analysis, or holds
3 himself or herself out as engaged in any of the foregoing. Broker
4 also includes any person: (a) Employed, by or on behalf of the
5 owner or owners of lots or other parcels of real estate, for any
6 form of compensation or consideration to sell such real estate
7 or any part thereof in lots or parcels or make other disposition
8 thereof; (b) who auctions, offers, attempts, or agrees to auction
9 real estate; or (c) who buys or offers to buy or sell or otherwise
10 deals in options to buy real estate;

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

14 (4) Designated broker means an individual holding a
15 broker's license who has full authority to conduct the real estate
16 activities of a real estate business. In a sole proprietorship, the
17 owner, or broker identified by the owner, shall be the designated
18 broker. In the event the owner identifies the designated broker,
19 the owner shall file a statement with the commission subordinating
20 to the designated broker full authority to conduct the real
21 estate activities of the sole proprietorship. In a partnership,
22 limited liability company, or corporation, the partners, limited
23 liability company members, or board of directors shall identify
24 the designated broker for its real estate business by filing
25 a statement with the commission subordinating to the designated

1 broker full authority to conduct the real estate activities of
2 the partnership, limited liability company, or corporation. The
3 designated broker shall also be responsible for supervising the
4 real estate activities of any associate brokers or salespersons;

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

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

15 (7) Inactive salesperson means a salesperson whose
16 license has been returned to the commission by the licensee's
17 broker, a salesperson who has requested the commission to place
18 the license on inactive status, a new licensee who has failed to
19 designate an employing broker, or a salesperson whose license has
20 been placed on inactive status under statute, rule, or regulation;

21 (8) Person means and includes individuals, corporations,
22 partnerships, and limited liability companies, except that when
23 referring to a person licensed under the act, it means an
24 individual;

25 (9) Subdivision or subdivided land means any real estate

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

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

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

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

14 (13) Broker's price opinion means an analysis, opinion,
15 or conclusion prepared by a person licensed under the Nebraska Real
16 Estate License Act in the ordinary course of his or her business
17 relating to the price of specified interests in or aspects of
18 identified real estate or identified real property for the purpose
19 of (a) listing, purchase, or sale or (b) originating, extending,
20 renewing, or modifying a loan in a transaction other than a
21 federally related transaction;

22 (14) Comparative market analysis means an analysis,
23 opinion, or conclusion prepared by a person licensed under the
24 act in the ordinary course of his or her business relating to
25 the price of specified interests in or aspects of identified real

1 estate or identified real property by comparison to other real
2 property currently or recently in the marketplace for the purpose
3 of (a) listing, purchase, or sale or (b) originating, extending,
4 renewing, or modifying a loan in a transaction other than a
5 federally related transaction;

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

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

15 (17) Federal financial institution regulatory agency
16 means (a) the Board of Governors of the Federal Reserve System, (b)
17 the Federal Deposit Insurance Corporation, (c) the Office of the
18 Comptroller of the Currency, (d) the Office of Thrift Supervision,
19 (e) the National Credit Union Administration, or (f) the successors
20 of any of those agencies; and

21 (18) Federally related transaction means a
22 real-estate-related transaction that (a) requires the services of
23 an appraiser and (b) is engaged in, contracted for, or regulated by
24 a federal financial institution regulatory agency.

25 Sec. 28. (1) The Real Property Appraiser Act shall not

1 apply to a person licensed under the Nebraska Real Estate License
2 Act who, in the ordinary course of his or her business, gives a
3 broker's price opinion or comparative market analysis, except that
4 such opinion or analysis shall not be referred to as an appraisal.

5 (2) No compensation, fee, or other consideration shall be
6 charged for a broker's price opinion or comparative market analysis
7 other than a real estate commission or brokerage fee charged or
8 paid for brokerage services rendered in connection with the sale
9 of the real estate involved unless the opinion or analysis is in
10 writing, is signed by the preparer, includes the date on which it
11 was prepared, and contains or has attached thereto the following
12 disclosure in bold fourteen-point type: This opinion or analysis
13 is not an appraisal. It is intended only for the benefit of
14 the addressee for the purpose of assisting buyers or sellers or
15 prospective buyers or sellers in deciding the listing, offering,
16 or sale price of the real property or for lending purposes in
17 a transaction other than a federally related transaction. This
18 opinion or analysis is not governed by the Real Property Appraiser
19 Act.

20 (3) A broker's price opinion or comparative market
21 analysis prepared for an existing or potential lienholder
22 originating, extending, renewing, or modifying a loan in a
23 transaction other than a federally related transaction may not be
24 used as the sole basis to determine the value of the real estate
25 for the purpose of originating a loan secured by such real estate,

1 and the person giving the opinion or analysis must be engaged
2 directly by the lienholder or its agent. Such person shall have no
3 duty to inquire as to any other basis used to determine such value.

4 Sec. 29. Original sections 76-2202, 76-2206, 76-2213,
5 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2225, 76-2228,
6 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232,
7 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238,
8 76-2240, 76-2241, 76-2249, 77-5004, and 81-885.01, Reissue Revised
9 Statutes of Nebraska, and section 81-885, Revised Statutes
10 Supplement, 2009, are repealed.

11 Sec. 30. The following sections are outright repealed:
12 Sections 76-2207, 76-2209, and 76-2211, Reissue Revised Statutes of
13 Nebraska.

14 Sec. 31. Since an emergency exists, this act takes effect
15 when passed and approved according to law.