

LEGISLATIVE BILL 101

Approved by the Governor March 7, 1985

Introduced by Goodrich, 20

AN ACT relating to real estate; to amend sections 81-198, 81-199, and 81-885.47, Revised Statutes Supplement, 1984; to provide for the reestablishment of the State Real Estate Commission; to define terms; to provide education requirements for real estate brokers and salespersons; to provide duties for the State Real Estate Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 81-198, Revised Statutes Supplement, 1984, be amended to read as follows:

81-198. The following agencies, boards, or commissions shall terminate on July 1, 1983:

(1) State Board of Landscape Architects, created by section 81-8,186;

(2) Abstracters Board of Examiners, created by section 76-511;

~~(3) State Real Estate Commission, created by section 81-885.07;~~

(3) ~~(4)~~ Nebraska State Board of Public Accountancy, created by section 1-107;

(4) ~~(5)~~ State Board of Examiners for Professional Engineers and Architects, created by section 81-841;

(5) ~~(6)~~ Nebraska Collection Agency Board, created by section 81-8,160; and

(6) ~~(7)~~ State Board of Examiners for Land Surveyors, created by section 81-8,110.

Sec. 2. Notwithstanding the provisions of sections 81-198 to 81-1,108, the State Real Estate Commission is hereby reestablished with all powers and duties in existence on the effective date of this act.

Sec. 3. That section 81-199, Revised Statutes Supplement, 1984, be amended to read as follows:

81-199. (1) Except for the Abstracters Board of Examiners in section 81-198, ~~and the State Real Estate Commission in section 81-198,~~ upon termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the

expiration of the one year after termination, each respective agency shall cease all activities.

(2) Upon termination of the Abstracters Board of Examiners in section 81-198, such board shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the board. Upon expiration of the two years after termination, the board shall cease all activities.

(3) Upon termination of the State Real Estate Commission in section 81-198, such commission shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the commission. Upon expiration of the two years after termination, the commission shall cease all activities.

Sec. 4. That section 81-885.47, Revised Statutes Supplement, 1984, be amended to read as follows:

81-885.47. Sections 81-885.01 to 81-885.48 and sections 5 to 10 of this act shall be known and may be cited as the Nebraska Real Estate License Act.

Sec. 5. The purpose of sections 5 to 10 of this act is to establish requirements for continuing education of real estate brokers and salespersons who are licensed in order to maintain and improve the quality of real estate services provided to the public.

Sec. 6. As used in sections 5 to 10 of this act, unless the context otherwise requires:

(1) Commission shall mean the State Real Estate Commission;

(2) Licensee shall mean a natural person who is licensed by the commission as a real estate broker or salesperson; and

(3) Two-year period shall mean twenty-four months commencing on January 1 following either the date of licensing of the real estate broker or salesperson or the effective date of this act, whichever is later, and each succeeding twenty-four month period.

Sec. 7. In each two-year period, every licensee shall furnish evidence to the commission that he or she has satisfactorily completed twelve hours of approved continuing education activities, except that during the first two-year period only, commencing on January 1 following the effective date of this act, every licensee shall furnish evidence to the commission that he or she has satisfactorily completed six hours of approved continuing education activities. Evidence of completion of such continuing education activities for the two-year period shall be retained by each licensee and submitted to the commission when the total hour requirement has been met.

Sec. 8. (1) The commission shall certify as

approved continuing education activities those courses, lectures, seminars, or other instructional programs which it determines would protect the public by improving the competency of licensees. The commission may require descriptive information about any continuing education activity and refuse approval of any continuing education activity which does not advance the purposes of sections 5 to 10 of this act. The commission shall not approve any provider of continuing education courses, lectures, seminars, or other instructional programs unless such provider meets the standards established by the commission.

(2) The commission shall certify the number of hours to be awarded for participation in an approved continuing education activity, based upon contact or classroom hours.

(3) The commission shall certify the number of hours to be awarded for successful completion of a correspondence course or program of independent study, based upon the number of hours which would be awarded in an equivalent classroom course or program.

Sec. 9. Except for inactive licensees, the commission shall not renew a license or issue a new license to any licensee who has failed to comply with the requirements of sections 5 to 10 of this act. Inactive licensees may renew their licenses at the end of the two-year period without having completed the hours of continuing education activities required by section 7 of this act for each two-year period. Inactive licensees shall not be activated until the licensee has satisfactorily completed the total number of deficient hours of continuing education activities and filed evidence of such completion with the commission, except that no inactive licensee shall be required to make up more than the number of hours of continuing education required by section 7 of this act for a two-year period other than the first two-year period.

Sec. 10. The commission shall adopt and promulgate rules and regulations necessary for the effective administration of sections 5 to 10 of this act pursuant to Chapter 34, article 9. Such rules and regulations may include, but not be limited to, the establishment of minimum standards for schools, courses, and instructors.

Sec. 11. That original sections 81-198, 81-199, and 81-885.47, Revised Statutes Supplement, 1984, are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.