

LEGISLATIVE BILL 47

Approved by the Governor March 25, 1985

Introduced by Warner, 25

AN ACT relating to real property; to amend sections 25-1292, 76-502, 76-504, 76-505, 76-509 to 76-515, 76-518, 76-519, 76-521 to 76-530, and 76-532, Reissue Revised Statutes of Nebraska, 1943, and sections 81-198 and 81-199, Revised Statutes Supplement, 1984; to adopt the Abstracters Act; to reestablish the Abstracters Board of Examiners; to harmonize provisions; to provide a penalty; to eliminate provisions on bonds and insurance for abstracters; to repeal the original sections, and also sections 76-501, 76-506 to 76-508, 76-517, 76-520, 76-531, 76-533, and 76-534, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 25-1292, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1292. Any party to a civil action who may desire to use in evidence at the trial ~~thereof~~ any abstract of title to real estate shall, not less than seven days prior to the date of trial, notify the adverse party ~~thereof~~ by written notice addressed to such party's counsel of record, and deposit such abstract in the office of the clerk of the district court of the county in which such action is pending, for examination by such adverse party. Such abstract of title, if certified to and issued by a registered abstracter, shall be received in evidence as prima facie evidence of the existence of the record of deeds, mortgages, and other instruments, conveyances, or liens affecting the real estate mentioned in such abstract, and that such record is as described in such abstract. If such abstract shall be successively certified to by abstracters who were bonded under the ~~provisions of~~ section 76-506, prior to November 18, 1965, and by an abstracter registered under the ~~provisions of this section and~~ sections 76-509 to 76-528 on or after November 18, 1965, but prior to the effective date of this act, thereafter or registered under the Abstracters Act, the same shall be received in evidence without further foundation.

A policy of title insurance, issued by a title insurance company licensed to issue such policy by the State of Nebraska, shall also be received in court as prima

facie evidence of the ownership, liens, mortgages, easements, and all other corporeal as well as incorporeal hereditaments to such real estate, the existence of which are indicated in such policy of title insurance.

Sec. 2. That section 76-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-502. No district judge or county judge within this state shall engage in the business of abstracting nor be interested directly or indirectly in any company or corporation which is engaged in the business of abstracting while holding his said office. Any certification of an abstract of title by a judge in violation of this section shall be void.

Sec. 3. That section 76-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-504. No Any county official or clerk, clerk of the district court, register of deeds, county treasurer, or county sheriff, or any deputy, clerk, or assistant to such official, except the county attorney and deputy county attorney, officers, in counties having a population of over five thousand, shall not be eligible to engage in the business of compiling abstracts of title to real estate in the State of Nebraska while holding any of said offices such office, and any certification of an abstract of title by certificate of abstracter executed by any district judge or county judge while holding such office or any other of said officers certifying to any abstract of title to real estate in Nebraska during the term of office of any of said officers any such person in violation of this section shall be absolutely void.

Any registered abstracter holding any such office on August 30, 1981, shall continue to be eligible to engage in the business of compiling abstracts of title so long as he or she continues to hold such office.

Sec. 4. That section 76-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-505. Any person, company or corporation engaged in such business, who shall violate the provisions of sections 76-501, 76-502 and 76-504, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and shall stand committed until such fine and costs are paid; and, in addition thereto, shall be liable to the person for whom such abstract or abstracts were compiled, in the sum equal to double the amount for the compilation of such abstract or abstracts, to be recovered by civil action. A violation of section 76-502 or 76-504 shall be a Class III misdemeanor.

Sec. 5. Sections 5 to 28 of this act shall be known and may be cited as the Abstracters Act.

Sec. 6. It is the intent of the Legislature to safeguard the welfare and property of citizens of this

state and to insure that abstracters serving the public meet minimum standards of proficiency and competency.

Sec. 7. That section 76-510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-510.~~ As used in ~~sections 25-1292 and 76-509 to 76-528~~ the Abstracters Act, unless the context otherwise requires:

(1) Abstract of title shall mean a compilation in orderly arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained in such compilation;

(2) Board shall mean the Abstracters Board of Examiners;

(3) Business of abstracting shall mean the making, compiling, and selling of abstracts of title or any part thereof or preparing written reports of title to real property;

(4) Business entity shall mean a partnership, corporation, or other organizational form developed to conduct business;

~~(4) Registered abstracters shall mean an individual, registered under sections 25-1292 and 76-509 to 76-528, holding an operative Certificate of Registration to prepare abstracts of title to real property, in any county within this state; and~~

(5) Certificate of authority shall mean the authorization to engage in the business of abstracting in a county in the State of Nebraska granted to a person, firm or private corporation; ~~an individual or business entity;~~

(6) Certificate of registration shall mean the authorization to prepare abstracts of title to real property in any county within the State of Nebraska which is granted to an individual under section 13 of this act;

(7) Professional development shall mean a course of educational instruction, including correspondence courses, designed to maintain and improve the ability of registered abstracters to provide services to the public;

(8) Registered abstracter shall mean an individual, registered under the Abstracters Act, holding an operative certificate of registration who for a fee or other valuable consideration compiles or certifies abstracts of title or any part thereof to real property in any county within this state or who prepares reports of title; and

(9) Report of title shall mean any type of summary of facts of record affecting the title to a specific piece of land which does not purport to constitute an opinion as to the state of the title and which is prepared by a person other than an attorney licensed to practice law in the State of Nebraska. Report of title shall not include a title insurance commitment or policy or

information or opinions given by a register of deeds in response to inquiries from the public.

Sec. 8. That section 76-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-509-~~ Any person, firm, partnership, association, or corporation engaged in the business of abstracting shall be required to be licensed as required by ~~sections 25-1292 and 76-509 to 76-528~~ the Abstracters Act.

Sec. 9. That section 76-518, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-518-~~ (1) An individual or business entity shall not engage in the business of abstracting in this state unless a certificate of authority has been issued to such individual or business entity.

(2) Every individual or business entity ~~person, firm, or private corporation~~ engaged in the business of abstracting shall be or have in its employ a registered abstracter. Only a registered abstracter may certify abstracts or otherwise attest to the accuracy of abstracts or prepare reports of title.

Sec. 10. That section 76-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-511-~~ There is hereby created an Abstracters Board of Examiners of five members to be appointed by the Governor to carry out the purposes of and enforce the provisions of ~~sections 25-1292 and 76-509 to 76-528-~~ Except for members initially appointed, the Abstracters Act. The board shall include ~~two members who shall be attorneys at law,~~ and three members who shall at all times be active registered abstracters as provided in ~~sections 25-1292 and 76-509 to 76-528~~ who have engaged in the business of abstracting for at least five years, one member who shall be a lawyer experienced in the area of real estate law, and one member who shall be representative of the public.

No more than two members of the board shall be appointed from the same county, at least one member shall be appointed from a county having as its largest city a city of the first class, and at least one member shall be appointed from a county having as its largest city a city of the second class. ~~No and no~~ member of the board shall be employed by the same employer as any other member of the board.

Each member of the board shall serve ~~thereon~~ for a term of five years and until a his successor is appointed and qualified, ~~except~~ excepting that the first board shall be comprised of one member appointed for a term of one year, one member appointed for a term of two years, one member appointed for a term of three years, one member appointed for a term of four years, and one member appointed for a term of five years members of the board currently serving on the effective date of this act shall continue to serve the terms for which they were appointed.

The first attorney member of the board whose term expires after the effective date of this act shall be succeeded by the representative of the public.

Vacancies created by the death, resignation, or other disability of a board member resulting in the inability to carry out his or her duties to act of a member of the board shall be filled by appointment by the Governor and such successor shall possess the same qualifications as the member replaced and such member shall, upon qualification, serve the unexpired term of the member whom he or she succeeds. The term of office of members of the board initially appointed shall commence on November 18, 1965. No member of the board shall be appointed to succeed himself or herself. No person may act as a member of the board while holding any other elective or appointive state or federal office.

Sec. 11. That section 76-512, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-512. The board shall organize by election of a chairperson and vice-chairperson. chairman, vice-chairman, and a secretary. The secretary may or may not be a member of the board, but a secretary who is not a member of the board shall not have the right to vote. The board shall have the power to compel the attendance of witnesses, and the chairperson and vice-chairperson chairman or vice-chairman or secretary shall have the power to administer oaths. The board shall employ a director who shall keep a record of all proceedings, transactions, communications, and official acts of the board, be custodian of all records, and perform such other duties as the board may require.

The board shall adopt a seal, which may be either an engraved or ink stamp seal with the words Abstracters Board of Examiners, State of Nebraska, and such other device as the board may desire included, ~~thereon~~, by which it shall authenticate the acts of the board. Copies of all records and papers in the office of the board, certified by the signature of the director secretary and the seal of the board, shall be received in evidence in all cases equally and with like effect as the originals.

The board may adopt and promulgate such rules and regulations, ~~not inconsistent with the provisions of sections 25-1292 and 76-509 to 76-528~~, as it shall deem necessary for the proper administration of its powers and duties and the carrying out of the ~~purposes of sections 25-1292 and 76-509 to 76-528~~ Abstracters Act. Such rules and regulations may provide that, except for hearings on the revocation of certificates issued by the board, the business of the board may be conducted while in session as a body, or by correspondence. Such correspondence shall be directed to the director secretary to be incorporated into the records of the board.

The action of the majority of the members of the

board shall be deemed the action of the board.

Sec. 12. That section 76-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-519.~~ Any person desiring to become a registered abstractor under the provisions of sections 25-1292 and 76-509 to 76-528 shall file an make application to the board for registration with the board. Such applicant shall have reached the age of majority, shall not have been convicted of a felony, ~~or a crime involving moral turpitude,~~ and shall have at least one year of verified land title-related experience satisfactory to the board. Each applicant for registration shall take the written examination prescribed by section 13 of this act.

Such application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in determining the qualification of the applicant for registration. Each such application shall be accompanied by (1) an application examination fee in the sum of not less than twenty-five dollars or more than one hundred dollars and (2) an examination fee of not less than twenty-five dollars or more than one hundred dollars. The board shall establish such fees based on the administrative costs of the board.

Upon receipt of such application the board shall notify the applicant by mail whether the application has been accepted. If the application has not been accepted, the examination fee shall be returned to the applicant. If the application has been accepted, the applicant shall be notified of the time and place of the next scheduled examination.

The board shall adopt and promulgate rules and regulations necessary to establish the experience standards and administer the examination required for registered abstracters. The examination shall be in such form of written interrogatories as may be prescribed by the board to determine the proficiency of the applicant. If the applicant satisfactorily passes such examination he or she shall be certified as a registered abstractor and the appropriate certificate shall be issued to him or her. The privileges granted by such certificate shall continue unless revoked or expired, as provided in sections 25-1292 and 76-509 to 76-528, or unless such certificate is otherwise surrendered to the board. Such certificate shall be in a form prescribed by the board and shall attest that such person possesses the knowledge, skill, and ability and understanding of abstracting and is designated a registered abstractor, and such certificate shall be prominently displayed in the abstract office wherein such person is employed. An applicant failing to pass the examination may reapply for registration. Such application shall be accompanied by the examination fee provided for in this section.

Sec. 13. The board shall prescribe a written examination to determine the proficiency of the applicant. If the applicant passes the examination and meets the other requirements of section 12 of this act, he or she shall be given a certificate of registration designating him or her to be a registered abstractor. The certificate shall be prominently displayed at the abstractor's place of employment. If an applicant fails the examination, he or she may reapply for registration by remitting the examination fee. The board shall give the examination at least twice a year.

Sec. 14. That section 76-532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-532- Any person who is on August 30, 1981, or who shall become after August 30, 1981, a registered abstractor shall, within two years following the next renewal of his or her certificate of registration or the receipt of his or her initial certificate of registration, and every two years thereafter, complete and certify to the board that he or she has successfully completed six hours of board-approved continuing education programs professional development credits. The board shall adopt and promulgate rules and regulations necessary for the effective delivery and approval of all programs of professional development required.

Sec. 15. That section 76-522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-522- No person, firm, or corporation shall engage in the business of abstracting in this state until a Certificate of Authority has been issued to such person, firm, or corporation by the board. Any individual or business entity person, firm, or corporation desiring to engage in the business of abstracting in this state shall make application to the board for a Certificate of Authority certificate of authority. Such application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in determining whether the applicant has complied with the provisions of sections 25-1292 and 76-509 to 76-528 Abstracters Act. Such application shall be accompanied by an application fee in the sum of not less than twenty-five dollars or more than one hundred dollars. The board shall establish such fee based on the administrative costs of the board. The applicant shall furnish proof that such applicant is or has employed a registered abstractor. and that the bond requirements provided for in sections 76-501 to 76-508 have been complied with. When the provisions of this section has been complied with, the board shall issue a certificate of authority Certificate of Authority in such form as it may prescribe, attesting to the same, and such certificate shall be prominently displayed in the place of business office of the applicant.

Sec. 16. That section 76-521, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

~~76-521-~~ The board may, upon application to it by (1) any individual person succeeding to the ownership of any abstract business by any means other than by purchase; or (2) any individual person who, by reason of the incapacity of any registered abstracter owner of any abstract business, is required to assume the operation of such business, grant to such person individual, without examination, a temporary certificate of registration. Such temporary certificate shall be issued only after the applicant provides proof of land title-related experience sufficient to meet the standards established by the board, ~~through rule and regulations.~~ The fee for such temporary certificate of registration shall be ~~ten dollars not less than twenty-five or more than one hundred dollars.~~ The board shall establish such fee based on the administrative costs of the board. Such certificate shall expire six months after its date or upon the expiration of sixty days after the next regularly scheduled examination which could be taken by the applicant under the rules and regulations of the board, whichever period is the longer. The board shall notify such applicant by mail of the time and place of such examination.

Sec. 17. That section 76-523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-523-~~ All certificates of authority and certificates of registration Certificates of Authority and Certificates of Registration issued pursuant to the provisions of sections 13 and 15 of this act ~~25-1292 and 76-509 to 76-528~~ shall expire on April 1 of each year the same date, irrespective of when issued. ~~The first date of expiration of such certificates shall be the first day of April next following November 18, 1965.~~ Subsequent expiration dates of such certificates, either renewal or original, shall be the first day of April of each year. Certificates of authority and certificates of registration Authority and Certificates of Registration shall be renewed, as provided in this section, for a one-year period upon payment of a renewal fee ~~in the sum of not less than twenty-five dollars or more than one hundred dollars for a certificate of authority Certificate of Authority and not less than ten dollars or more than thirty dollars for a Certificate of Registration certificate of registration.~~ The board shall establish such fee based on the administrative costs of the board. Not sooner than sixty days nor later than thirty days ~~Thirty to sixty days~~ prior to the expiration date of the certificates, the board shall cause a notice of expiration and application for renewal, including a statement for the annual fee for each certificate, to be mailed to each of the holders of such certificates. The Such notice and application shall be in a form prepared by the board.

The board shall not renew the certificate of

registration of any registered abstractor who has failed to complete the professional development requirements set forth in section 14 of this act, unless the registered abstractor has shown good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown for not completing the professional development requirements, the board shall permit the registered abstractor to make up all outstanding hours of professional development within six months of the renewal of the certificate of registration. If the hours are not completed in six months, the certificate shall be revoked. Upon determination by the board of the applicant's compliance with sections 25-1292 and 76-509 to 76-528, a renewal Certificate of Authority and Certificate of Registration shall be issued to the applicant.

Sec. 18. That section 76-524, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-524. If a holder of a certificate of authority or certificate of registration Certificate of Authority and Certificate of Registration fails to apply for renewal of his authority and registration and to pay the fee provided, therefor, the board shall send cause to be mailed by registered or certified mail to such holder a notice that the his certificate or certificates have expired and are is no longer valid authority for such individual or business entity person to engage in the business of abstracting. Such notice shall be mailed not more than thirty days following the certificate expiration date. The board may, upon good cause being shown, order the renewal of such certificate. Such cause must be shown prior to June 1 next following the expiration date. The name of any holder failing to renew his certificates pursuant to the terms of this section shall be stricken from the records of the board and such person, firm, or corporation shall no longer engage in the business of abstracting in this state until again authorized so to do by the board. Any holder who fails to apply for renewal or pay the renewal fees prescribed in section 17 of this act may file a late renewal application and shall pay, in addition to the renewal fee, ten dollars for each month or fraction thereof that the application is late beginning with April 1, except that such application shall be filed before July 1 of the year of expiration.~~

Sec. 19. That section 76-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~76-513. All fees collected pursuant to the Abstracters Act under sections 25-1292 and 76-509 to 76-528 shall be deposited in the state treasury to be credited to and by the State Treasurer placed in the Abstracters Board of Examiners Cash Fund which is hereby created. All actual and necessary , from which all expenses of the board shall be paid , subject to~~

appropriation from such fund. No member of the board other than the secretary shall receive a salary. Each member of the board and the secretary, if not a member of the board, shall receive as a per diem compensation of fifty dollars for each day or part thereof of actual service while attending meetings or otherwise engaged upon the business of the board fifty dollars and expenses incurred in the performance of official duties. 7 and shall receive a mileage allowance as provided in section 84-306-03 for state employees for each mile actually traveled in the attendance of such business and the further allowance for expenses while absent from home upon business of the board as provided in sections 84-306-01 to 84-306-05 for state employees. The director secretary shall be paid a salary to be determined by the board.

Sec. 20. That section 76-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-515: The board shall keep a register of wherein there shall be entered the name of each applicant for certification, with his or her place of business and such other information as may be deemed appropriate, including a notation of the action taken by the board thereon, and the date upon which the certificate of registration or certificate of authority any Certificate of Registration or Certificate of Authority is issued, and the date of renewal of such certificates. The board shall maintain such other records, registers, and files as may be necessary for the proper administration of its duties under sections 25-1292 and 76-509 to 76-528 pursuant to the Abstracters Act. A roster showing the names and places of business of all registered abstracters holding an operative certificate of registration shall be prepared by the director secretary during the month of June of every year, and sent to all registered abstracters, and furnished to the public on request.

Sec. 21. That section 76-526, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-526: The board shall have the power (1) to revoke a certificate of registration or certificate of authority, (2) to suspend a certificate of registration or certificate of authority for a specific period not to exceed a year, (3) to censure a registered abstractor or holder of a certificate of authority, and (4) to issue a letter of reprimand to a registered abstractor or holder of a certificate of authority.

Such disciplinary actions may be invoked after a hearing as provided in this section 22 of this act to cancel and revoke any Certificate of Registration issued to any person under the provisions of sections 25-1292 and 76-509 to 76-528 for a violation of any of the Abstracters Act, provisions of sections 25-1292 and 76-509 to 76-528, including unfair practices, or upon a the conviction of the holder of a such certificate of a felony, crime involving

moral turpitude, or if the board finds a such holder to be guilty of habitual carelessness or of fraudulent practices in the conduct of the business of abstracting.

Unfair practices which are a violation of the Abstracters Act sections 25-1292 and 76-509 to 76-528 shall include:

(a) Failure (1) failure to disclose an agency relationship to or interest in any title insurance business, law firm, real estate or insurance business, or any other business or enterprise to a client in the event that the holder of the certificate of registration Certificate of Registration or the holder of the certificate of authority Certificate of Authority would receive a fee directly or indirectly from such a relationship or interest during a transaction involving real estate in which the holder is retained to provide abstracting services for such client; and

(b) Paying (2) paying or allowing a rebate of fees for abstracting services, which unfair practice specifically includes rendering a statement or bill to be passed on to third parties which does not reflect the true amount charged for such services or charging an amount from which a rebate is to be paid, to a person other than the client.

The board shall also have the power after a hearing as provided in this section 22 of this act to cancel and revoke or suspend a certificate of authority any Certificate of Authority issued to any person, firm, or corporation under the provisions of sections 25-1292 and 76-509 to 76-528 for failure to furnish the bond or bonds or other securities, required by sections 76-501 and 76-507, or for failure to have employed a registered abstractor or for otherwise violating the Abstracters Act, as required, or shall otherwise violate any of the provisions of sections 25-1292 and 76-509 to 76-528. Upon a verified complaint being filed with the board or upon the board's own motion filing a complaint charging the holder of a Certificate of Registration with a violation of any of the provisions of sections 25-1292 and 76-509 to 76-528; or conviction of a crime involving moral turpitude, or with habitual carelessness, fraudulent practices, or unfair practices in the conduct of the business of abstracting; or charging the holder of a Certificate of Authority with failure to furnish the bond or bonds, or other securities, required by sections 76-501 and 76-507; or with the failure to be or have employed a registered abstractor as required; or with a violation of any of the provisions of sections 25-1292 and 76-509 to 76-528, the board shall immediately notify the holder of such certificate of the filing of such complaint, in writing by either registered or certified mail, when return receipt requested, which complaint shall contain an exact statement of the charges, and a copy of the complaint shall be furnished to the holder of such

certificate. The board shall at the same time require the holder of such certificate to appear before it on a day fixed by the board not less than twenty nor more than forty days from the date of the service of such complaint on the holder of such certificate and to show cause why such certificate should not be canceled and revoked. The holder of such certificate shall be entitled to counsel at any hearing. The board shall cause a transcript of any testimony taken to be made by a reporter or stenographer. Either the respondent or the complainant may appeal from the decision of the board to the district court for the county where the cause of action arose. Such appeal shall be taken within thirty days after the decision of the board, by causing a written notice of appeal to be served on the secretary of the board and executing a bond to the State of Nebraska, with surety to be approved by the secretary of the board, conditioned to pay all costs that may be adjudged against the appellant. The secretary of the board, upon an appeal being taken, shall forthwith make out a return of the proceedings in the matter before the board, with its decision thereon, and file the same together with the bond and all the papers pertaining thereto in his possession, including a certified record of testimony taken at the hearing, with the clerk of the court to which the appeal is taken. The court shall hear the appeal as a trial de novo, and the costs of such appeal, including the furnishing of the testimony, shall be taxed as the court may direct. Such proceedings shall be held in a summary manner and the court on its own motion may order additional evidence to be taken before it. An appeal shall stay the cancellation of any Certificate of Registration or Certificate of Authority until the final decision is had on appeal.

Sec. 22. A verified complaint may be filed with the board charging a registered abstractor or a holder of a certificate of authority with a violation of the Abstracters Act. The board on its own motion may also file such a complaint. If a complaint is filed, the board shall immediately notify the abstractor or holder of such certificate of the complaint. The notice shall be in writing and be sent by registered or certified mail, return receipt requested. The notice shall contain a statement of the charges and a copy of the complaint. The notice shall state the time and place of the hearing which shall be not less than twenty nor more than forty days from the date of service of such complaint. The abstractor or holder of such certificate shall be entitled to counsel at any hearing. The board shall cause a transcript of any testimony taken to be made by a reporter or stenographer.

Either the respondent or the complainant may appeal from the decision of the board to the district court for the county where the cause of action arose. Such appeal shall be taken within thirty days after the decision

of the board by serving written notice of appeal on the director of the board and executing a bond to the State of Nebraska, with surety to be approved by the board, conditioned to pay all costs that may be adjudged against the appellant. If an appeal is taken, the director of the board shall file a certified record of the hearing and the decision of the board with the clerk of the court to which the appeal is taken. The court shall hear the appeal as a trial de novo, and the costs of such appeal, including the furnishing of the testimony, shall be taxed as the court may direct. The court on its own motion may order additional evidence to be taken. An appeal shall stay any disciplinary actions taken by the board until the final decision is had on appeal.

Sec. 23. That section 76-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-514. The Attorney General shall render to the Abstracters Board of Examiners opinions on all questions of law relating to the interpretation of the Abstracters Act sections 25-1292 and 76-509 to 76-528 or arising in its the administration thereof; and shall act as attorney for the board in all actions and proceedings brought by or against it under or pursuant to any of the provisions of sections 25-1292 and 76-509 to 76-528 the Abstracters Act.

Sec. 24. That section 76-528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-528. Nothing in the Abstracters Act sections 25-1292 and 76-509 to 76-528 shall be construed as prohibiting any individual or business entity person, firm, or corporation holding a valid certificate of authority and subsisting Certificate of Authority from employing such clerical and stenographic assistants as may be necessary in the conduct of its business who are not registered under the provisions of sections 25-1292 and 76-509 to 76-528 Abstracters Act.

Sec. 25. That section 76-525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-525. Holders of certificates of authority Certificates of Authority and their employees in the conduct of the business of abstracting shall have access to the public records in any office of any city, or county, or of the state, and shall be permitted to make such memoranda, or notations, therefrom or copies of such records, thereof and shall be permitted to occupy reasonable space with equipment for that purpose, subject to the reasonable regulation of the custodian of such public records and during the business hours of such office, in order to enable such certificate holders to make and prepare abstracts and to compile, post, copy, and maintain their books, records, and indices.

Sec. 26. That section 76-529, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-529- A registered An abstractor shall show each link in the chain of title, and failure to do so shall render him or her liable to any person injured by such omission. In adding extensions to an old abstract, a registered the abstractor shall not be deemed to certify to, or verify, accuracy of entries prior to the first date given in the his certificate of extension. When a registered an abstractor relies upon the numerical index alone to refer him or her to all entries upon the records affecting the title to property, such reliance shall be at his or her peril. A registered An abstractor shall be liable for omission of notice of encumbrance in an abstract. The bond required of abstracters shall serve as security for those who may be damaged through negligence and inefficiency of abstracters.

Sec. 27. That section 76-530, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-530- In the compilation or examination of an abstract of title to real estate, it shall not be considered negligence for a registered abstractor or an attorney to follow the Title Standards promulgated by the Nebraska State Bar Association.

Sec. 28. That section 76-527, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-527- Any individual or business entity person, firm, or corporation engaged in the business of abstracting in this state without having complied with the Abstracters Act provisions of sections 25-1292 and 76-509 to 76-528 shall be guilty of a Class III misdemeanor. Violation of the Abstracters Act shall in no way be construed to preclude the liability of a holder of a certificate of authority, a registered abstractor, any person holding himself or herself out to be a registered abstractor or a holder of a certificate of authority, or any person illegally engaged in the business of abstracting in the State of Nebraska.

Sec. 29. 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;~~

(2) ~~(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. 30. 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) (2) 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. 31. Notwithstanding the provisions of sections 81-196 to 81-1,108, the Abstracters Board of Examiners is hereby reestablished.

Sec. 32. That original sections 25-1292, 76-502, 76-504, 76-505, 76-509 to 76-515, 76-518, 76-519, 76-521 to 76-530, and 76-532, Reissue Revised Statutes of Nebraska, 1943, and sections 81-198 and 81-199, Revised Statutes Supplement, 1984, and also sections 76-501, 76-506 to 76-508, 76-517, 76-520, 76-531, 76-533, and 76-534, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 33. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.