

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL

Introduced by
Read first time
Committee:

A BILL

1 FOR AN ACT relating to real property appraisal; to amend sections
2 76-2201, 76-2203, 76-2204, 76-2205.01, 76-2215,
3 76-2217.02, 76-2218, 76-2219, 76-2220, 76-2222, 76-2239,
4 76-2242, 76-2244, 76-2245, 76-2246, and 76-2247.01,
5 Reissue Revised Statutes of Nebraska, and sections
6 76-2202, 76-2206, 76-2213.01, 76-2216, 76-2221, 76-2223,
7 76-2226, 76-2228.01, 76-2230, 76-2233.01, 76-2233.02,
8 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, and 76-3202,
9 Revised Statutes Cumulative Supplement, 2012; to change
10 and eliminate provisions relating to the Real Property
11 Appraiser Act; to define terms; to provide and change
12 provisions relating to penalties; to harmonize
13 provisions; to repeal the original sections; and to
14 outright repeal section 76-2211.01, Reissue Revised
15 Statutes of Nebraska, and section 76-2229, Revised
16 Statutes Cumulative Supplement, 2012.
17 Be it enacted by the people of the State of Nebraska,

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

3 76-2201 Sections 76-2201 to 76-2250 and sections 7 to 14,
4 17 to 20, 22, 24, 25, 32, 36, and 47 of this act shall be known and
5 may be cited as the Real Property Appraiser Act.

6 Sec. 2. Section 76-2202, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 76-2202 The Legislature finds that as a result of the
9 enactment of the Dodd-Frank Wall Street Reform and Consumer
10 Protection Act, as the act existed on January 1, ~~2012,~~2014, and the
11 Financial Institutions Reform, Recovery, and Enforcement Act of 1989,
12 as the act existed on January 1, ~~2012,~~2014, Nebraska's laws
13 providing for regulation of real property appraisers require
14 ~~restructuring~~updating in order to comply with such acts. Compliance
15 with the acts is necessary to ensure an adequate number of appraisers
16 in Nebraska to conduct appraisals of real estate involved in
17 federally related transactions as defined in such acts.

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

20 76-2203 For purposes of the Real Property Appraiser Act,
21 the definitions found in sections 76-2204 to 76-2219 and sections 7
22 to 14, 17 to 20, 22, 24, and 25 of this act shall be used.

23 Sec. 4. Section 76-2204, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 76-2204 Appraisal means ~~an analysis, opinion, or~~

1 ~~conclusion prepared by a real property appraiser relating to the~~
2 ~~value of specified interests in or aspects of identified real estate~~
3 ~~or identified real property. An appraisal may be classified by the~~
4 ~~nature of the assignment into either a valuation assignment or an~~
5 ~~evaluation assignment. (a) the act or process of developing an~~
6 ~~opinion of value or (b) pertaining to appraising and related~~
7 ~~functions such as appraisal practice or real property appraisal~~
8 ~~activity, numerically expressed as a specific amount, as a range of~~
9 ~~numbers, or as a relationship to a previous value opinion or~~
10 ~~numerical benchmark.~~

11 Sec. 5. Section 76-2205.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 76-2205.01 Appraisal practice means valuation ~~services or~~
14 ~~evaluation assignments performed by an individual acting as an a real~~
15 ~~property appraiser, including, but not limited to, appraisal, and~~
16 ~~appraisal review., or appraisal consulting.~~

17 Sec. 6. Section 76-2206, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 76-2206 Appraisal report means any communication,
20 written, oral, or by electronic means, of an appraisal or appraisal
21 review that is transmitted to the client upon completion of an
22 assignment. The testimony of a real property appraiser dealing with
23 the appraiser's analyses, conclusions, or opinions concerning
24 identified real estate or identified real property related to an
25 appraisal or appraisal review is deemed to be an oral appraisal

1 report.

2 Sec. 7. Appraisal review means the act or process of
3 developing and communicating an opinion about the quality of a real
4 property appraiser's work that was performed as part of a valuation
5 or evaluation assignment.

6 Sec. 8. Appraiser Qualifications Board means the
7 Appraiser Qualifications Board of The Appraisal Foundation.

8 Sec. 9. Assignment means an agreement between a real
9 property appraiser or real property associate and a client to provide
10 a valuation service or the valuation service that is provided as a
11 consequence of such an agreement.

12 Sec. 10. Automated valuation model means any computerized
13 model used by loan originators and secondary market issuers to
14 determine the collateral worth of a loan.

15 Sec. 11. Client means the party or parties who engage, by
16 employment or contract, a real property appraiser or real property
17 associate in a specific assignment. The client may be an individual,
18 group, or entity and may engage and communicate with the appraiser
19 directly or through an agent.

20 Sec. 12. Education provider means: Any person;
21 organization; proprietary school; accredited degree-awarding
22 community college, college or university; or state or federal agency
23 that provides appraiser qualifying or continuing training or
24 education.

25 Sec. 13. Employee means any individual who is employed on

1 a permanent basis and who devotes substantially all of his or her
2 time to performing services on behalf of an employer and whose
3 compensation for the services is in the form of salary, or its
4 equivalent, paid by the employer. Employee does not include an
5 independent contractor.

6 Sec. 14. Person means an individual or a firm, a
7 partnership, a limited partnership, a limited liability company, an
8 association, a corporation, or any other group engaged in joint
9 business activities, however organized.

10 Sec. 15. Section 76-2215, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 ~~76-2215 Real property appraisal activity means any act or~~
13 ~~process, performed for a fee or other valuable consideration,~~
14 ~~involved in developing an appraisal or preparing an appraisal report,~~
15 ~~including but not limited to, a consulting service, an evaluation~~
16 ~~assignment, or a valuation assignment. Real property appraisal~~
17 activity means any act or process involved in developing an analysis,
18 opinion, or conclusion relating to the value of specified interests
19 in or aspects of identified real estate or identified real property.
20 Real property appraisal activity includes, but is not limited to,
21 evaluation assignments, valuation assignments, and review
22 assignments.

23 Sec. 16. Section 76-2216, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 76-2216 Real property appraiser means a person who:

1 (1) ~~who engages~~ Engages in real property appraisal
2 activity; ~~;~~

3 (2) ~~who advertises~~ Advertises or holds himself or herself
4 out to the general public as a real property appraiser; ~~;~~ or

5 (3) ~~who offers,~~ Offers, attempts, or agrees to perform or
6 performs real property appraisal activity. Real property appraiser
7 includes persons defined as real estate appraisers prior to July 14,
8 2006.

9 Sec. 17. (1) Real property associate means a person who
10 holds a valid credential as a real property associate as provided in
11 section 31 of this act, and:

12 (a) Who provides valuation services pursuant to
13 subsection (3) of section 31 of this act;

14 (b) Who advertises or holds himself or herself out to the
15 general public as a real property associate; or

16 (c) Who offers, attempts, or agrees to perform or
17 performs valuation services pursuant to subsection (3) of section 31
18 of this act.

19 (2) A real property associate shall not advertise or hold
20 himself or herself out to the general public as a real property
21 appraiser.

22 Sec. 18. Scope of work means the type and extent of
23 research and analyses in a valuation assignment, evaluation
24 assignment, or review assignment.

25 Sec. 19. Specialized knowledge means an advanced level of

1 expertise obtained through education and experience with respect to a
2 specific subject matter, which includes an advanced understanding of
3 the principles, practices, procedures, and methods applicable to the
4 subject matter, as well as the ability to apply such expertise to a
5 problem requiring an expertise that a real property appraiser could
6 only obtain through equivalent education and experience.

7 Sec. 20. Section 76-2217.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 ~~76-2217.02~~ Trainee real property appraiser means a person
10 who holds a valid credential as a trainee real property appraiser
11 issued under the Real Property Appraiser Act and who, under the
12 direct supervision of a certified residential or certified general
13 real property appraiser, assists the appraiser in any phase of
14 appraisal activity but does not include nonprofessional employees
15 such as clerical employees.

16 Sec. 21. Section 76-2218, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 76-2218 (1) Two-year continuing education period means a
19 period of twenty-four months commencing on January 1 ~~following the~~
20 ~~date of credentialing under the Real Property Appraiser Act and each~~
21 ~~succeeding twenty-four month period.~~ and completed on December 31 of
22 the following year.

23 (2) The two-year continuing education period for new
24 credential holders credentialed prior to July 1 begins on the date of
25 initial credentialing under the Real Property Appraiser Act, and is

1 completed on December 31 of the following year.

2 (3) The two-year continuing education period for new
3 credential holders credentialed after July 1 begins on January 1 of
4 the next year.

5 Sec. 22. Section 76-2213.01, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 ~~76-2213.01~~ Uniform Standards of Professional Appraisal
8 Practice means ~~the standards~~ one through ten, including the ethics
9 rules, recordkeeping rules, competency rules, scope of work rules,
10 and jurisdictional exception rules, promulgated by the Appraisal
11 Foundation and adopted by the Real Property Appraiser Board as the
12 standards existed on January 1, 2012- 2014.

13 Sec. 23. Section 76-2219, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2219 Valuation assignment means:

16 (1) ~~an~~An appraisal that estimates the value of
17 identified real estate or identified real property at a particular
18 point in time; or

19 (2) ~~a~~A valuation service provided as a consequence of an
20 agreement between a real property appraiser and a client.

21 Sec. 24. Valuation services means all services pertaining
22 to aspects of property value, including services performed by both
23 real property appraisers and real property associates.

24 Sec. 25. Workfile means documentation necessary to
25 support a real property appraiser's analyses, opinion, and

1 conclusions.

2 Sec. 26. Section 76-2220, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2220 (1) Except as provided in section 76-2221, it
5 shall be unlawful for anyone to act as a real property appraiser or
6 real property associate in this state without first obtaining proper
7 credentialing as required under the Real Property Appraiser Act.

8 (2) Any person who, directly or indirectly for another,
9 offers, attempts, or agrees to perform any act described in section
10 76-2216 shall be deemed a real property appraiser, or any act
11 described in section 17 of this act shall be deemed a real property
12 associate, within the meaning of the Nebraska Real Property Appraiser
13 Act, and such action shall constitute sufficient contact with the
14 state for the exercise of personal jurisdiction over such person in
15 any action arising out of such act. Committing a single act described
16 in such sections by a person required to be credentialed under the
17 Nebraska Real Property Appraiser Act and not so credentialed shall
18 constitute a violation of the act for which the board may impose
19 sanctions pursuant to this section for the protection of the public
20 health, safety, or welfare.

21 (3) Notwithstanding any other provision of the law to the
22 contrary, the board may issue a cease and desist order against any
23 person who violates this section by performing any action described
24 in section 76-2216 or section 17 of this act without the appropriate
25 credential. Such order shall be final ten days after issuance unless

1 the violator requests a hearing pursuant to section 76-2240.

2 Sec. 27. Section 76-2221, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 76-2221 The Real Property Appraiser Act shall not apply
5 to:

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

25 (2) A person referred to in subsection (1) of section

1 81-885.16;

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

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

19 (5) Any owner of real estate, employee of the owner, or
20 attorney licensed to practice law in the State of Nebraska
21 representing the owner who renders an estimate or opinion of value of
22 real estate or any interest in real estate or damages thereto when
23 such estimate or opinion is offered as testimony in any condemnation
24 proceeding, or any other person who renders such an estimate or
25 opinion when that estimate or opinion requires a specialized

1 knowledge that a real property appraiser would not have, except that
2 a real property appraiser or a person licensed under the Nebraska
3 Real Estate License Act is not exempt under this subdivision;

4 (6) Any owner of real estate, employee of the owner, or
5 attorney licensed to practice law in the State of Nebraska
6 representing the owner who renders an estimate or opinion of value of
7 the real estate or any interest in the real estate when such estimate
8 or opinion is offered in connection with a legal matter involving
9 real property; ~~or~~

10 (7) Any person appointed by a county board of
11 equalization to act as a referee pursuant to section 77-1502.01,
12 except that any person who also practices as an independent real
13 property appraiser or real property associate for others shall be
14 subject to the Real Property Appraiser Act and shall be credentialed
15 prior to engaging in such other appraising. Any real property
16 appraiser appointed to act as a referee pursuant to section
17 77-1502.01 and who prepares an appraisal report for the county board
18 of equalization shall not sign such appraisal report as a
19 credentialed real property appraiser and shall include the following
20 disclosure prominently with such report: This opinion of value may
21 not meet the minimum standards contained in the Uniform Standards of
22 Professional Appraisal Practice and is not governed by the Real
23 Property Appraiser Act; ~~or~~

24 (8) Any elected official of the state or any political
25 subdivision who estimates the market value of a defined real property

1 while acting in his or her official capacity for the state government
2 or any political subdivision; or

3 (9) Automated valuation models used to estimate
4 collateral value for lending purposes.

5 Sec. 28. Section 76-2222, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2222 (1) The Real Property Appraiser Board is hereby
8 created. The board shall consist of five members. One ~~one~~ member
9 who is a certified real property appraiser shall be selected from
10 each of the three congressional districts, and two members shall be
11 selected at large. The two members selected at large shall include
12 one representative of financial institutions and one licensed real
13 estate broker who also holds a credential as a licensed or certified
14 real property appraiser. The Governor shall appoint the members of
15 the board. The members shall be appointed so that the membership of
16 the board selected from the congressional districts includes at least
17 two certified general real property appraisers.

18 (2) The term of each member of the board shall be five
19 years, except that of the members initially appointed, one shall
20 serve for one year, one shall serve for two years, one shall serve
21 for three years, and one shall serve for four years, as designated by
22 the Governor. Upon the expiration of his or her term, a member of the
23 board shall continue to hold office until the appointment and
24 qualification of his or her successor. No person shall serve as a
25 member of the board for consecutive terms. Any vacancy shall be

1 filled in the same manner as the original appointment. The Governor
2 may remove a member for cause.

3 (3) The members of the board shall elect a chairperson
4 during the first meeting of each year from among the members.

5 (4) Four members shall constitute a quorum. Each member
6 shall receive a per diem of one hundred dollars per day or
7 substantial part of a day for each scheduled meeting of the board at
8 which the member is present and shall be reimbursed for actual and
9 necessary expenses as provided in sections 81-1174 to 81-1177. The
10 per diem shall not exceed three thousand dollars for any member
11 during any fiscal year.

12 (5) Each member shall receive compensation of one hundred
13 dollars per day or a substantial part of a day actually spent in
14 traveling to and from and attending meetings and conferences of the
15 Association of Appraiser Regulatory Officials and its committees and
16 subcommittees or of the Appraisal Foundation and its committees and
17 subcommittees, board committee meetings, or other business as
18 authorized by the board and all necessary expenses incident to the
19 performance of his or her duties under the Real Property Appraiser
20 Act and Nebraska Appraisal Management Company Registration Act as
21 provided in sections 81-1174 to 81-1177. This per diem shall not
22 exceed one thousand five hundred dollars for any member during any
23 fiscal year.

24 Sec. 29. Section 76-2223, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 76-2223 (1) The Real Property Appraiser Board shall
2 administer and enforce the Real Property Appraiser Act and may:

3 (a) Receive applications for credentialing under the act,
4 process such applications and regulate the issuance of credentials to
5 qualified applicants, and maintain a directory of the names and
6 addresses of persons who receive credentials under the act;

7 (b) Hold meetings, public hearings, informal conferences,
8 and administrative hearings, prepare or cause to be prepared
9 specifications for all appraiser classifications, solicit bids and
10 enter into contracts with one or more testing services, and
11 administer or contract for the administration of examinations
12 approved by the Appraiser Qualifications Board in such places and at
13 such times as deemed appropriate;

14 (c) Develop the specifications for credentialing
15 examinations, including timing, location, and security necessary to
16 maintain the integrity of the examinations;

17 (d) Review the procedures and criteria of a contracted
18 testing service to ensure that the testing meets with the approval of
19 the Appraiser Qualifications Board;

20 (e) Collect all fees required or permitted by the act.
21 The Real Property Appraiser Board shall remit all such receipts to
22 the State Treasurer for credit to the Real Property Appraiser Fund.
23 In addition, the board may collect and transmit to the appropriate
24 federal authority any fees established under the Financial
25 Institutions Reform, Recovery, and Enforcement Act of 1989, as the

1 act existed on January 1, ~~2012~~ 2014;

2 (f) Establish appropriate administrative procedures for
3 disciplinary proceedings conducted pursuant to the Real Property
4 Appraiser Act;

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

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

20 (i) Take appropriate disciplinary action against a
21 credential holder if the Real Property Appraiser Board determines
22 that a credential holder has violated any provision of the act or the
23 Uniform Standards of Professional Appraisal Practice;

24 (j) Enter into consent decrees and issue cease and desist
25 orders upon a determination that a violation of the act has occurred;

1 (k) Promote research and conduct studies relating to the
2 profession of real property appraisal, sponsor real property
3 appraisal educational activities, and incur, collect fees for, and
4 pay the necessary expenses in connection with activities which shall
5 be open to all credential holders;

6 (l) Establish and adopt minimum standards for appraisals
7 as required under section 76-2237;

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

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

15 (2) The Real Property Appraiser Board shall also
16 administer and enforce the Nebraska Appraisal Management Company
17 Registration Act.

18 Sec. 30. Section 76-2226, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 76-2226 There is hereby created the Real Property
21 Appraiser Fund. The board may use the fund for the administration and
22 enforcement of the Real Property Appraiser Act and to meet the
23 necessary expenditures of the board. The fund shall include a
24 sufficient cash fund balance as determined by the board. The expense
25 of administering and enforcing the act shall not exceed the money

1 collected by the board under the act. Transfers may be made from the
2 fund to the General Fund at the direction of the Legislature. Any
3 transfer to the General Fund shall not decrease the fund to the
4 amount equal to or below a sufficient cash fund balance as determined
5 by the board. Any money in the Real Property Appraiser Fund available
6 for investment shall be invested by the state investment officer
7 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
8 Funds Investment Act.

9 Sec. 31. (1) To qualify for a credential as a real
10 property associate, an applicant shall:

11 (a)(i)(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 and passed examination
15 for no fewer than ninety class hours in board-approved qualifying
16 education courses as prescribed by rules and regulations of the
17 board. Such class hours shall be in a classroom and not online or by
18 correspondence. The qualifying education courses shall be conducted
19 by an accredited degree-awarding community college, college, or
20 university, an appraisal society, institute, or association, a state
21 or federal agency or commission, a proprietary school, or such other
22 education provider as may be approved by the Real Property Appraiser
23 Board and shall be, at a minimum, fifteen class hours in length. Each
24 course shall include an examination pertinent to the material
25 presented; and

1 (D) Complete the fifteen-hour National Uniform Standards
2 of Professional Appraisal Practice Course as approved by the
3 Appraiser Qualifications Board as of January 1, 2014, or the
4 equivalent of the course as approved by the Real Property Appraiser
5 Board. The fifteen-hour course shall be taught by a Uniform Standards
6 of Professional Appraisal Practice Instructor who is certified by the
7 Appraiser Qualifications Board and who is a state-certified appraiser
8 in good standing; or

9 (ii) Hold a bachelor's degree or higher in real estate by
10 an accredited degree-awarding college or university that has had all
11 or part of its curriculum approved by the Appraiser Qualifications
12 Board as required core curriculum. If the degree in real estate as
13 approved by the Appraiser Qualifications Board does not satisfy all
14 required qualifying education for credentialing, the remaining class
15 hours shall be completed in board approved qualifying education
16 pursuant to subdivision (1)(a)(i)(C) of this section;

17 (b) Certify that he or she has not surrendered an
18 appraiser credential or any other registration, license, or
19 certification, held for any other regulatory agency or in any other
20 jurisdiction, in lieu of disciplinary action pending or threatened
21 within the five-year period immediately preceding the date of
22 application;

23 (c) Certify that his or her appraiser credential or any
24 other registration, license, or certification, held for any other
25 regulatory agency or in any other jurisdiction, has not been revoked

1 or suspended within the five-year period immediately preceding the
2 date of application;

3 (d) Not have been convicted, including a conviction based
4 upon a plea of guilty or nolo contendere, of:

5 (i) Any felony or, if so convicted, has had his or her
6 civil rights restored;

7 (ii) Fraud, dishonesty, breach of trust, money
8 laundering, misrepresentation, or deceit involving real estate,
9 financial services, or in the making of an appraisal within the five-
10 year period immediately preceding the date of application; or

11 (iii) A crime which is related to the qualifications,
12 functions, or duties of a real property appraiser within the five-
13 year period immediately preceding the date of application;

14 (e) Certify that no civil judicial actions, including
15 dismissal with settlement, in connection with real estate, financial
16 services, or in the making of an appraisal have been against him or
17 her within the five-year period immediately preceding the date of
18 application;

19 (f) Demonstrate character and general fitness such as to
20 command the confidence and trust of the public;

21 (g) Submit two copies of legible ink-rolled fingerprint
22 cards or equivalent electronic fingerprint submissions to the board
23 for delivery to the Nebraska State Patrol in a form approved by both
24 the Nebraska State Patrol and the Federal Bureau of Investigation. A
25 fingerprint-based national criminal history record check shall be

1 conducted through the Nebraska State Patrol and the Federal Bureau of
2 Investigation with such record check to be carried out by the board;
3 and

4 (h) Within the twelve months following approval of the
5 applicant's education by the board, pass a licensed residential real
6 property appraiser examination, certified residential real property
7 appraiser examination, or certified general real property appraiser
8 examination, approved by the Appraiser Qualifications Board,
9 prescribed by rules and regulations of the board, and administered by
10 a contracted testing service.

11 (2) Except for the fifteen-hour National Uniform
12 Standards of Professional Appraisal Practice Course, all class hours
13 shall be completed within the five-year period immediately preceding
14 submission of the application.

15 (3) The scope of practice of a real property associate
16 shall be limited to valuation services not requiring a credential as
17 a trainee real property appraiser, registered real property
18 appraiser, licensed residential real property appraiser, certified
19 residential real property appraiser, or certified general real
20 property appraiser under the Real Property Appraiser Act.

21 Sec. 32. Section 76-2228.01, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 76-2228.01 (1) To qualify for a credential as a trainee
24 real property appraiser, an applicant shall:

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

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

3 (c) Have successfully completed no fewer than seventy-
4 five class hours in board-approved courses of study which relate to
5 appraisal and which include completion of the fifteen-hour National
6 Uniform Standards of Professional Appraisal Practice Course as
7 approved by the Appraiser Qualifications Board as of January 1, ~~2012,~~
8 2014, or the equivalent of the course as approved by the Real
9 Property Appraiser Board. The fifteen-hour course shall be taught by
10 a Uniform Standards of Professional Appraisal Practice Instructor who
11 is certified by the Appraiser Qualifications Board and who is a
12 state-certified appraiser in good standing. The courses of study
13 shall be conducted by an accredited, degree-awarding university,
14 college, or community 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 by the
17 Real Property Appraiser Board and shall be, at a minimum, fifteen
18 class hours in length. Each course shall include an examination
19 pertinent to the material presented. The applicant shall have
20 completed the class hours within the five-year period immediately
21 preceding submission of the application and shall have completed the
22 fifteen-hour National Uniform Standards of Professional Appraisal
23 Practice Course within the two-year period immediately preceding
24 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 the
6 report is in compliance with the Uniform Standards of Professional
7 Appraisal Practice, reviewing the trainee appraisal reports, and
8 personally inspecting each appraised property with the trainee as is
9 consistent with his or her scope of practice until the supervising
10 appraiser determines the trainee is competent in accordance with the
11 competency rule of the Uniform Standards of Professional Appraisal
12 Practice. The trainee shall maintain an appraisal log for each
13 supervising appraiser in accordance with standards set by rule and
14 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:

22 (i) ~~complete~~ Complete seventy-five additional hours of
23 designated core curriculum education; and

24 (ii) ~~meet~~ Meet the experience requirements pursuant to
25 subdivision (1)(d) of section 76-2230;

1 (b) For a credential as a certified residential real
2 property appraiser, he or she shall:

3 (i) ~~complete~~Complete one hundred twenty-five additional
4 hours of designated core curriculum education;

5 (ii) ~~meet~~Meet the experience requirements pursuant to
6 subdivision (1)(d) of section 76-2231.01; and

7 (iii) ~~meet~~Meet the postsecondary educational
8 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
9 76-2231.01; or

10 (c) For a credential as a certified general real property
11 appraiser, he or she shall:

12 (i) ~~complete~~Complete two hundred twenty-five additional
13 hours of designated core curriculum education;

14 (ii) ~~meet~~Meet the experience requirements pursuant to
15 subdivision (1)(d) of section 76-2232; and

16 (iii) ~~meet~~Meet the postsecondary educational
17 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
18 76-2232.

19 (3) If a trainee real property appraiser remains in the
20 classification in excess of two years, the trainee shall be required
21 in the third and successive years to successfully complete no fewer
22 than fourteen hours of instruction in courses or seminars for each
23 year of the period preceding the renewal and shall have completed the
24 seven-hour National Uniform Standards of Professional Appraisal
25 Practice Update Course, as the course existed on January 1, 2012,

1 2014, or the equivalent of the course as approved by the Real
2 Property Appraiser Board, at a minimum of every two years. The
3 courses of study shall be conducted by an accredited, degree-awarding
4 university, college, or community college, an appraisal society,
5 institute, or association, a state or federal agency or commission, a
6 proprietary school, or such other ~~educational~~education provider as
7 may be approved by the board. Credit may be granted for educational
8 offerings and for participation other than as a student as approved
9 by the board.

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

13 Sec. 33. Section 76-2230, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 76-2230 (1) To qualify for a credential as a licensed
16 residential real property appraiser, an applicant shall:

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

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

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

1 ~~2012, 2014,~~ or the equivalent of the course as approved by the Real
2 Property Appraiser Board. The fifteen-hour course shall be taught by
3 a Uniform Standards of Professional Appraisal Practice Instructor who
4 is certified by the Appraiser Qualifications Board and who is a
5 state-certified appraiser in good standing. The courses of study
6 shall be conducted by an accredited, degree-awarding university,
7 college, or community college, an appraisal society, institute, or
8 association, a state or federal agency or commission, a proprietary
9 school, or such other ~~educational~~education provider as may be
10 approved by the Real Property Appraiser Board and shall be, at a
11 minimum, fifteen class hours in length. Each course shall include a
12 closed-book examination pertinent to the material presented;

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

25 (e) Within the twelve months following approval of the

1 applicant by the board, pass an examination approved by the Appraiser
2 Qualifications Board as of January 1, ~~2012~~, 2014, and administered by
3 a contracted testing service which demonstrates that the applicant
4 has:

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

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

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

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

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

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

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

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

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

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

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

6 (a) For a credential as a certified residential real
7 property appraiser, he or she shall:

8 (i) ~~complete~~ Complete fifty additional hours of
9 designated core curriculum education; τ

10 (ii) ~~meet~~ Meet the experience requirements pursuant to
11 subdivision (1)(d) of section 76-2231.01; τ and

12 (iii) ~~meet~~ Meet the postsecondary educational
13 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
14 76-2231.01; or

15 (b) For a credential as a certified general real property
16 appraiser, he or she shall:

17 (i) ~~complete~~ Complete one hundred fifty additional hours
18 of designated core curriculum education; τ

19 (ii) ~~meet~~ Meet the experience requirements pursuant to
20 subdivision (1)(d) of section 76-2232; τ and

21 (iii) ~~meet~~ Meet the postsecondary educational
22 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
23 76-2232.

24 (3) The scope of practice for a licensed residential real
25 property appraiser shall be limited to the appraisal of noncomplex

1 property having one, two, three, or four residential units with a
2 transaction value of less than one million dollars and complex
3 property having one, two, three, or four residential units with a
4 transaction value of less than two hundred fifty thousand dollars.

5 (4) If an applicant is applying for renewal of a
6 credential as a licensed residential real property appraiser, the
7 applicant shall have successfully completed no fewer than fourteen
8 hours of instruction in courses or seminars for each year of the two-
9 year continuing education period during which the application is
10 submitted and shall have completed the seven-hour National Uniform
11 Standards of Professional Appraisal Practice Update Course as
12 approved by the Appraiser Qualifications Board as of January 1, ~~2012,~~
13 2014, or the equivalent of the course as approved by the Real
14 Property Appraiser Board, at a minimum of every two years. The seven-
15 hour course shall be taught by a Uniform Standards of Professional
16 Appraisal Practice Instructor who is certified by the Appraiser
17 Qualifications Board and who is a state-certified appraiser in good
18 standing. Credit toward a classroom hour requirement may be granted
19 only when the length of the educational offering is at least two
20 hours. The courses of study shall be conducted by an accredited,
21 degree-awarding university, college, or community college, an
22 appraisal society, institute, or association, a state or federal
23 agency or commission, a proprietary school, or such other educational
24 provider as may be approved by the Real Property Appraiser Board.
25 Credit may be granted for educational offerings and for participation

1 other than as a student as approved by the board.

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

6 Sec. 34. Section 76-2233.01, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 76-2233.01 (1) A nonresident currently credentialed to
9 appraise real estate and real property under the laws of another
10 jurisdiction may obtain a temporary credential as a licensed
11 residential real property appraiser, a certified residential real
12 property appraiser, or a certified general real property appraiser to
13 ~~perform a contract relating to the appraisal of real estate or real~~
14 ~~property engage in real property appraisal activity~~ in this state.

15 (2) To qualify for the issuance of a temporary
16 credential, an applicant shall:

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

19 (b) Submit a letter of engagement or a contract
20 indicating the location of the appraisal assignment and completion
21 date;

22 ~~(2)~~ (c) Submit an irrevocable consent that service of
23 process upon him or her may be made by delivery of the process to the
24 director of the board if the plaintiff cannot, in the exercise of due
25 diligence, effect personal service upon the applicant in an action

1 against the applicant in a court of this state arising out of the
2 applicant's activities in this state;

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

8 ~~(4)-(e) Certify that disciplinary proceedings are not~~
9 ~~pending against the applicant in the applicant's state of domicile or~~
10 ~~in any other jurisdiction, or state the nature of any pending~~
11 ~~disciplinary proceedings; and~~

12 ~~(5)-(f) Pay an application fee in an amount established~~
13 ~~by the board.~~

14 (2) A temporary credential issued under this section
15 shall be expressly limited to a grant of authority to ~~perform the~~
16 ~~appraisal work engage in real property appraisal activity required by~~
17 ~~the contract for appraisal services for an appraisal assignment in~~
18 this state. Each temporary credential shall expire upon the
19 completion of the appraisal work ~~required by the contract for~~
20 ~~appraisal services assignment~~ or upon the expiration of a period of
21 six months from the date of issuance, whichever occurs first. A
22 temporary credential may be renewed for one additional six-month
23 period.

24 Sec. 35. Section 76-2233.02, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 76-2233.02 A credential issued under the Real Property
2 Appraiser Act other than a temporary credential shall remain in
3 effect until December 31 of the designated year unless surrendered,
4 revoked, suspended, or canceled prior to such date. To renew a valid
5 credential, the credential holder shall file an application on a form
6 approved by the board and pay the prescribed renewal fee to the board
7 not later than November 30 of the designated year. A credential may
8 be renewed for one year or two years. In every second year of
9 ~~renewal, the two-year continuing education period,~~ as specified in
10 section 76-2236, evidence of completion of continuing education
11 requirements shall accompany renewal application or be on file with
12 the board prior to renewal.

13 If a credential holder fails to apply and meet the
14 requirements for renewal by November 30 of the designated year, such
15 credential holder may obtain a renewal of such credential by
16 satisfying all of the requirements for renewal and paying a late
17 ~~renewal processing~~ fee if such late renewal takes place prior to July
18 1 of the following year. If a credential holder that first obtained
19 his or her credential at the current level after November 1 fails to
20 apply and meet the requirements for renewal by December 31 of the
21 designated year, such credential holder may obtain a renewal of such
22 credential by satisfying all the requirements for renewal and paying
23 a late processing fee if such late renewal takes place prior to July
24 1 of the following year. The board may refuse to renew any credential
25 if the credential holder has continued to perform real property

1 appraisal activities or other related activities in this state
2 following the expiration of his or her credential. If a credential is
3 not renewed prior to July 1, a credential holder must reapply for
4 credentialing and meet the current requirements in place at the time
5 of application, except for the provisions as provided in section 36
6 of this act.

7 Sec. 36. (1) A credential holder may request that his or
8 her credential be placed on inactive status for a period not to
9 exceed two years. Such requests shall be submitted to the board on an
10 application form prescribed by the board. The payment of the
11 appropriate fee fixed by the board pursuant to section 76-2241 shall
12 accompany all applications for requests of inactive status.

13 (2) A credential holder placed on inactive status shall
14 not:

15 (a) Assume or use any title designation or abbreviation
16 likely to create the impression that such person holds an active
17 credential issued by the board; or

18 (b) Engage in appraisal practice or real property
19 appraisal activity, or act as a credentialed real property appraiser
20 or real property associate.

21 (3) A credential holder placed on inactive status may
22 make a request to the board that such credential be reinstated to
23 active status on an application form prescribed by the board. An
24 application fee fixed by the board pursuant to section 76-2241 shall
25 accompany all applications for reinstatement of a credential.

1 (4) A credential holder's application for reinstatement
2 must include evidence that he or she has met the continuing education
3 requirements as specified in section 76-2236 while on inactive
4 status.

5 (5) If a credential holder's credential expires during
6 the inactive period, an application for renewal of credential must
7 accompany the application for reinstatement. All requirements for
8 renewal specified in section 76-2233.02 must be met, except for the
9 requirement to pay a late processing fee for applications received
10 after November 30 of designated year.

11 (6) If a credential holder fails to reinstate his or her
12 credential to active status prior to the completion of the two-year
13 period, his or her credential will return to status as if credential
14 was not placed in an inactive status. If a credential holder's
15 credential is expired at the completion of the two-year period, the
16 credential holder must reapply for credentialing and meet the current
17 requirements in place at the time of application.

18 (7) A trainee real property appraiser credential may not
19 be placed on inactive status.

20 (8) A registered real property appraiser credential may
21 not be placed on inactive status.

22 Sec. 37. Section 76-2236, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 76-2236 (1) Every credential holder, except for one who
25 first obtained his or her credential at the current level after July

1 1, shall furnish evidence to the board that he or she has
2 satisfactorily completed no fewer than twenty-eight hours of approved
3 continuing education activities in each two-year continuing education
4 period. No continuing education is required for any credential holder
5 who first obtained his or her credential at the current level after
6 July 1. Hours of satisfactorily completed approved continuing
7 education activities cannot be carried over from one two-year
8 continuing education period to another. Evidence of successful
9 completion of such continuing education activities for the two-year
10 continuing education period, including passing examination if
11 applicable, may be submitted to the board as each activity is
12 completed. No continuing education activity shall be less than two
13 hours in duration. A person who holds a temporary credential does not
14 have to meet any continuing education requirements in the Real
15 Property Appraiser Act.

16 (2) As prescribed by rules and regulations of the board,
17 the board shall approve continuing education activities and
18 instructors which it determines would protect the public by improving
19 the knowledge, skills, and competency of credential holders. All
20 continuing education activities and instructors, with the exception
21 of the seven-hour Uniform Standards of Professional Appraisal
22 Practice Update Course as approved by the Appraiser Qualifications
23 Board as of January 1, 2014, shall be approved by the board for the
24 period commencing January 1 and completed on December 31 of each
25 year. As prescribed by ~~rule or regulation~~ rules and regulations of

1 the board and at least once every two years, the seven-hour National
2 Uniform Standards of Professional Appraisal Practice Update Course as
3 approved by the Appraiser Qualifications Board as of January 1, ~~2012,~~
4 2014, or the equivalent of the course as approved by the Real
5 Property Appraiser Board, shall be included in the continuing
6 education requirement of each credential holder. The seven-hour
7 Uniform Standards of Professional Appraisal Practice Update Course,
8 or an equivalent of the course as approved by the board shall:

9 (a) Be taken in a classroom and not online or by
10 correspondence;

11 (b) Be approved by the board as a continuing education
12 activity for the duration the course is approved by the Appraiser
13 Qualifications Board as of January 1, 2014; and

14 (c) Be taught by an instructor certified by the Appraiser
15 Qualifications Board to teach the Uniform Standards of Professional
16 Appraisal Practice and who is a state-certified appraiser in good
17 standing.

18 (3) As prescribed by ~~rule or regulation~~ rules and
19 regulations of the Real Property Appraiser Board board and at least
20 once every four years, but not less than every two years, a seven-
21 hour report writing update course, as approved by the board, shall be
22 included in the continuing education requirement of each credential
23 holder. The Real Property Appraiser Board shall approve continuing
24 education activities which it determines would protect the public by
25 improving the competency of credential holders. Evidence of

1 ~~completion of such continuing education activities for the two-year~~
2 ~~continuing education period may be submitted to the board as each~~
3 ~~activity is completed. A person who holds a temporary or reciprocal~~
4 ~~credential shall not have to meet any continuing education~~
5 ~~requirements in this state. The seven-hour report writing update~~
6 ~~course shall be taken in a classroom and not online or by~~
7 ~~correspondence.~~

8 (4) A continuing education activity conducted in another
9 jurisdiction in which the activity is approved to meet the continuing
10 education requirements for renewal of a credential in such other
11 jurisdiction, shall be accepted by the board if that jurisdiction has
12 adopted and enforces standards for such continuing education activity
13 that meet or exceed the standards established by the Real Property
14 Appraiser Act and the rules and regulations of the board.

15 Sec. 38. (1) No person other than a real property
16 associate shall assume or use the title real property associate or
17 any title, designation, or abbreviation likely to create the
18 impression of credentialing as a real property associate by this
19 state. No person other than a registered real property appraiser
20 shall assume or use the title registered real property appraiser or
21 any title, designation, or abbreviation likely to create the
22 impression of credentialing as a registered real property appraiser
23 by this state. No person other than a licensed residential real
24 property appraiser shall assume or use the title licensed residential
25 real property appraiser or any title, designation, or abbreviation

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

22 (2) The terms real property associate, registered real
23 property appraiser, licensed residential real property appraiser,
24 certified residential real property appraiser, certified general real
25 property appraiser, and trainee real property appraiser may only be

1 used to refer to a person who is credentialed as such under the Real
2 Property Appraiser Act and may not be used following or immediately
3 in connection with the name or signature of a corporation,
4 partnership, limited liability company, firm, or other group or in
5 such manner that it might be interpreted as referring to a
6 corporation, partnership, limited liability company, firm, or other
7 group or to anyone other than the credential holder. This subsection
8 shall not be construed to prevent a credential holder from signing an
9 appraisal report on behalf of a corporation, partnership, limited
10 liability company, firm, or other group if it is clear that only the
11 individual holds the credential and that the corporation,
12 partnership, limited liability company, firm, or other group does
13 not.

14 Sec. 39. Section 76-2237, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 76-2237 Each credential holder shall comply with the
17 Uniform Standards of Professional Appraisal Practice. The board shall
18 adopt and promulgate rules and regulations which conform to the
19 Uniform Standards of Professional Appraisal Practice. The board shall
20 review such rules and regulations annually. A copy of each such rule
21 or regulation ~~shall be transmitted electronically to each credential~~
22 ~~holder and~~ shall be made available on the board's web site.

23 Sec. 40. Section 76-2238, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 76-2238 The following acts and omissions shall be

1 considered grounds for disciplinary action or denial of an
2 application by the board:

3 (1) Failing to meet the minimum qualifications for
4 credentialing established by or pursuant to the Real Property
5 Appraiser Act;

6 (2) Procuring or attempting to procure a credential under
7 the act by knowingly making a false statement, submitting false
8 information, or making a material misrepresentation in an application
9 filed with the board or procuring or attempting to procure a
10 credential through fraud or misrepresentation;

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

14 (4) An act or omission involving real estate or appraisal
15 practice which constitutes dishonesty, fraud, or misrepresentation
16 with or without the intent to substantially benefit the credential
17 holder or another person or with the intent to substantially injure
18 another person;

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

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

25 (7) ~~Engaging in the business of real property appraising~~

1 Providing services as a credentialed real property appraiser or a
2 credentialed real property associate under an assumed or fictitious
3 name;

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

8 (9) Making a false or misleading statement in that
9 portion of a written appraisal report that deals with professional
10 qualifications or in any testimony concerning professional
11 qualifications;

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

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

17 (12) Acceptance of a fee for performing a real property
18 appraisal valuation assignment or evaluation assignment when the fee
19 is or was contingent upon (a) the real property appraiser reporting a
20 predetermined analysis, opinion, or conclusion, (b) the analysis,
21 opinion, conclusion, or valuation reached, or (c) the consequences
22 resulting from the appraisal;

23 (13) Failure or refusal to exercise reasonable diligence
24 in developing an appraisal, preparing an appraisal report, or
25 communicating an appraisal;

1 (14) Negligence or incompetence in developing an
2 appraisal, preparing an appraisal report, or communicating an
3 appraisal, including failure to follow the standards and ethical
4 rules adopted by the board;

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

7 (16) Demonstrating negligence, incompetence, or
8 unworthiness to act as ~~an~~ a real property appraiser or real property
9 associate, whether of the same or of a different character as
10 otherwise specified in this section;

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

14 (18) Failure to comply with terms of a consent agreement
15 or settlement agreement;

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

19 (20) Failure of an educational provider to produce
20 records, documents, reports, or other materials, including, but not
21 limited to, required student attendance reports, to the board;

22 (21) Presentation to the board of any check which is
23 returned to the State Treasurer unpaid, whether payment of fee is for
24 an initial or renewal credential or for examination; and

25 (22) Failure to pass the examination.

1 Sec. 41. Section 76-2239, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2239 (1) The board may, upon its own motion, and
4 shall, upon the written complaint of any aggrieved person, cause an
5 investigation to be made with respect to an alleged violation of the
6 Real Property Appraiser Act. ~~by any credential holder or applicant~~
7 ~~for credentialing under the act.~~ The board may revoke or suspend the
8 credential or otherwise discipline a credential holder, revoke or
9 suspend a qualifying or continuing education course or activity, ~~or~~
10 deny any application, or issue a cease and desist order for any of
11 ~~the acts or omissions set forth in section 76-2238. Violation of the~~
12 ~~act or the rules and regulations during a period of probation shall~~
13 ~~cause immediate execution of a suspension penalty.~~ violation of the
14 Real Property Appraiser Act. Any disciplinary action taken against a
15 credentialed real property appraiser, including any action that
16 interrupts a credentialed real property appraiser's ability to
17 practice, shall be reported to federal authorities as required by
18 Title XI of the Financial Institutions Reform, Recovery, and
19 Enforcement Act of 1989, as the act existed on January 1, 2014. Upon
20 receipt of information indicating that a ~~credential holder person~~ may
21 have violated any provision of the act, the board shall make an
22 investigation of the facts to determine whether or not there is
23 evidence of a violation. If technical assistance is required, the
24 board may contract with or use qualified individuals or companies.

25 (2)(a) If an investigation indicates that a credential

1 ~~holder person~~ may have violated a provision of the act, the board may
2 offer the ~~credential holder person~~ an opportunity to voluntarily and
3 informally discuss the alleged violation before the board; ~~The~~
4 ~~board may enter into consent agreements or negotiate settlements.~~

5 (b) If an investigation indicates that a person not
6 holding a credential under the act has violated a provision of the
7 act, the board may issue a cease and desist order or refer the
8 investigation to the appropriate county attorney for the
9 consideration of formal charges. The board may enter into consent
10 agreements or negotiate settlements with credential holders,
11 applicants, and education providers; or

12 (c) If an investigation indicates that a credential
13 holder has violated a provision of the act, a formal complaint shall
14 be prepared by the board and served upon the credential holder. The
15 complaint shall require the credential holder to file an answer
16 within thirty days of the date of service. In responding to a
17 complaint, the credential holder may admit the allegations of the
18 complaint, deny the allegations of the complaint, or plead otherwise.
19 Failure to make a timely response shall be deemed an admission of the
20 allegations of the complaint. Upon receipt of an answer to the
21 complaint, the director or chairperson of the board shall set a date,
22 time, and place for an administrative hearing on the complaint. The
23 date of the hearing shall not be less than thirty nor more than one
24 hundred twenty days from the date that the answer is filed unless
25 such date is extended for good cause.

1 Sec. 42. Section 76-2241, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 76-2241 (1) The board shall charge and collect
4 appropriate fees for its services under the Real Property Appraiser
5 Act as follows:

6 ~~(1)~~-(a) An application fee of one hundred fifty dollars;

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

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

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

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

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

24 (g) An inactive credential fee of no more than three
25 hundred dollars.

1 (2) All fees for credentialing through reciprocity shall
2 be the same as those paid by others pursuant to this section.

3 (3) In addition to the fees set forth in this section,
4 the board may collect and transmit to the appropriate federal
5 authority any fees established under the provisions of the Financial
6 Institutions Reform, Recovery, and Enforcement Act of 1989, as the
7 act existed on January 1, ~~2012~~. 2014. The board may establish such
8 fees as it deems appropriate for special examinations and other
9 services provided by the board. All fees and other revenue collected
10 pursuant to the Real Property Appraiser Act shall be remitted by the
11 board to the State Treasurer for credit to the Real Property
12 Appraiser Fund.

13 Sec. 43. Section 76-2242, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2242 (1) The board shall provide to each credential
16 holder proof that such person has been credentialed under the Real
17 Property Appraiser Act for the classification requirements set forth
18 in the act. Upon payment of a fee in an amount specified in its rules
19 and regulations, the board may issue duplicate proof that such person
20 has been credentialed under the act. The board shall also issue a
21 ~~pocket credentialing~~ card in such size and form as it may approve.

22 (2) Each credential issued under the act shall designate
23 the principal place of business of the credential holder.

24 ~~(3) Proof of credentialing and pocket cards issued by the~~
25 ~~board shall remain the property of the state, and upon surrender,~~

1 ~~cancellation, suspension, or revocation, any person holding the~~
2 ~~documents shall immediately return such documents to the board.~~

3 Sec. 44. Section 76-2244, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-2244 Each ~~resident~~ credential holder shall designate
6 and maintain a principal place of business and shall conspicuously
7 display his or her proof of credentialing in such place of business.
8 Upon any change of his or her principal place of business, a ~~resident~~
9 ~~or nonresident~~ credential holder shall promptly give notice thereof
10 in writing to the board and the board shall issue a new proof of
11 credentialing for the unexpired term. ~~A nonresident shall not be~~
12 ~~required to maintain a place of business in this state if he or she~~
13 ~~maintains an active place of business in his or her place of~~
14 ~~domicile.~~

15 Sec. 45. Section 76-2245, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 76-2245 No person engaged in real property appraisal
18 activities in this state or acting in the capacity of a real property
19 appraiser or real property associate in this state may bring or
20 maintain any action in any court of this state to collect
21 compensation for the performance of ~~real property appraisal~~
22 ~~activities~~ valuation services for which credentialing is required by
23 the Real Property Appraiser Act without alleging and proving that he
24 or she was duly credentialed under the act in this state at all times
25 during the performance of such activities.

1 Sec. 46. Section 76-2246, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2246 Any person required to be credentialed by the
4 Real Property Appraiser Act who engages in real property appraisal
5 activity or who advertises or holds himself or herself out to the
6 general public as a real property appraiser or real property
7 associate in this state without obtaining proper credentialing under
8 the act shall be guilty of a Class III misdemeanor and shall be
9 ineligible to apply for credentialing under the act for a period of
10 one year from the date of his or her conviction of such offense. The
11 board may, in its discretion, credential such person within such one-
12 year period upon application and after an administrative hearing.

13 Sec. 47. (1) No person shall improperly influence or
14 attempt to improperly influence, through coercion, extortion, or
15 bribery, the independent judgment of the real property appraiser or
16 the development, reporting, result, or review of a real property
17 appraisal.

18 (2) Requesting that the real property appraiser consider
19 the following is not prohibited:

20 (a) Examine additional, appropriate property information;

21 (b) Provide further detail, substantiation, or
22 explanation for the appraiser's value conclusion; or

23 (c) Correct errors in the appraisal report.

24 (3) Any person who violates subsection (1) of this
25 section is guilty of a Class III misdemeanor.

1 Sec. 48. Section 76-2247.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2247.01 (1) A person may retain or employ a real
4 property appraiser or real property associate credentialed under the
5 Real Property Appraiser Act to provide ~~appraisal~~ valuation
6 ~~services, including, but not limited to, valuation assignments and~~
7 ~~consulting services.~~ In each case, the valuation services, including
8 any appraisal and ~~the appraisal report~~ shall comply with the Real
9 Property Appraiser Act and the Uniform Standards of Professional
10 Appraisal Practice.

11 (2) In a valuation assignment, the real property
12 appraiser shall remain an impartial, disinterested third party. When
13 providing ~~a consulting service, an evaluation assignment,~~ the real
14 property appraiser may ~~complete the evaluation assignment in a manner~~
15 ~~that responds~~ respond to a client's stated objective but shall also
16 remain an impartial, disinterested third party. ~~Compensation of a~~
17 ~~real property appraiser for either a valuation assignment or~~
18 ~~consulting service shall not be contingent upon the real property~~
19 ~~appraiser reporting a predetermined analysis, opinion, or conclusion~~
20 ~~reached or upon the results achieved.~~

21 Sec. 49. Section 76-2249, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 76-2249 (1) The board may prepare ~~a printed~~ an electronic
24 directory showing the name and place of business of credential
25 holders under the Real Property Appraiser Act which shall be

1 published on the web site. Printed copies .~~Copies~~ of the directory
2 shall be made available to the public at such reasonable price per
3 copy as may be fixed by the board. The directory and ~~shall be~~
4 provided to federal authorities as required by the Financial
5 Institutions Reform, Recovery, and Enforcement Act of 1989, as the
6 act existed on January 1, ~~2012.~~ 2014.

7 (2) The board shall provide without charge to any
8 credential holder under the act a set of rules and regulations
9 adopted and promulgated by the board and any other information which
10 the board deems important in the area of real property appraisal in
11 the State of Nebraska. The information may be made available
12 electronically or printed in a booklet, a pamphlet, or any other form
13 the board determines appropriate. The board may update such material
14 as often as it deems necessary. The board may provide such material
15 to any other person upon request and may charge a fee for the
16 material. The fee shall be reasonable and shall not exceed any
17 reasonable or necessary costs of producing the material for
18 distribution.

19 Sec. 50. Section 76-3202, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 76-3202 For purposes of the Nebraska Appraisal Management
22 Company Registration Act:

23 (1) Appraisal has the same meaning as in section 76-2204;

24 (2) Appraisal Foundation has the same meaning as in
25 section 76-2205;

1 (3) Appraisal management company means, in connection
2 with valuing real property collateralizing mortgage loans, mortgages,
3 or trust deeds incorporated into a securitization, any external third
4 party that oversees a network or panel of more than fifteen certified
5 or licensed appraisers in this state or twenty-five or more certified
6 or licensed appraisers nationally within a given year and that is
7 authorized, either by a creditor of a consumer credit transaction
8 secured by a consumer's principal dwelling or by an underwriter of or
9 other principal in the secondary mortgage markets:

10 (a) To recruit, select, and retain appraisers;

11 (b) To contract with certified or licensed appraisers to
12 perform real property appraisal activity;

13 (c) To manage the process of having an appraisal
14 performed, including providing administrative duties such as
15 receiving appraisal orders and appraisal reports, submitting
16 completed appraisal reports to creditors and underwriters, collecting
17 fees from creditors and underwriters for appraisal services provided,
18 and reimbursing appraisers for appraisal services performed; or

19 (d) To review and verify the work of appraisers;

20 (4) Appraisal practice has the same meaning as in section
21 76-2205.01;

22 (5) Appraisal report has the same meaning as in section
23 76-2206;

24 (6) Appraisal review means the act or process of
25 developing and communicating an opinion about the quality of another

1 appraiser's work that was performed as part of a real property
2 appraisal activity, except that a quality control examination of an
3 appraisal report shall not be an appraisal review;

4 (7) Appraisal services means residential valuation
5 assignments performed by an individual acting as an appraiser,
6 including, but not limited to, appraisal, appraisal review, or
7 consulting services;

8 (8) Appraiser means an individual who holds a license or
9 certification as an appraiser and is expected to perform valuation
10 assignments competently and in a manner that is independent,
11 impartial, and objective;

12 (9) Appraiser panel means a group of licensed or
13 certified independent appraisers that have been selected to perform
14 appraisal services for a third party;

15 (10) Board means the Real Property Appraiser Board;

16 (11) Consulting service ~~has the same meaning as in~~
17 section 76-2211.01; means an impartial evaluation service as a
18 disinterested third party rendered as part of an appraisal practice
19 that responds to a client's stated objective and any other engagement
20 for which a real property appraiser is employed or retained to act,
21 or would be perceived by third parties or the public as acting, as a
22 disinterested third party in rendering an unbiased opinion;

23 (12) Controlling person means:

24 (a) An officer or director of, or owner of greater than a
25 ten percent interest in, a corporation, partnership, or other

1 business entity seeking to act or acting as an appraisal management
2 company in this state;

3 (b) An individual employed, appointed, or authorized by
4 an appraisal management company that has the authority to enter into
5 a contractual relationship with other persons for the performance of
6 services requiring registration as an appraisal management company
7 and that has the authority to enter into agreements with appraisers
8 for the performance of appraisals; or

9 (c) An individual who possesses, directly or indirectly,
10 the power to direct or cause the direction of the management or
11 policies of an appraisal management company;

12 (13) Federal financial institution regulatory agency
13 means the Board of Governors of the Federal Reserve System, the
14 Federal Deposit Insurance Corporation, the Office of the Comptroller
15 of the Currency, the Office of Thrift Supervision, the National
16 Credit Union Administration, or the successor of any of such
17 agencies;

18 (14) Federally related transaction means any real estate-
19 related financial transaction which:

20 (a) A federal financial institution regulatory agency or
21 the Resolution Trust Corporation engages in, contracts for, or
22 regulates; and

23 (b) Requires the services of an appraiser;

24 (15) Owned and controlled means direct or indirect
25 ownership or control of more than twenty-five percent of the voting

1 shares of an appraisal management company;

2 (16) Person means an individual, firm, partnership,
3 limited partnership, limited liability company, association,
4 corporation, or other group engaged in joint business activities,
5 however organized;

6 (17) Quality control examination means an examination of
7 an appraisal report for compliance and completeness, including
8 grammatical, typographical, or other similar errors;

9 (18) Real estate has the same meaning as in section
10 76-2214;

11 (19) Real estate-related financial transaction means any
12 transaction involving:

13 (a) The sale, lease, purchase, investment in, or exchange
14 of real property, including interests in real property or the
15 financing thereof;

16 (b) The refinancing of real property or interests in real
17 property; or

18 (c) The use of real property or interests in real
19 property as security for a loan or investment, including mortgage-
20 backed securities;

21 (20) Real property has the same meaning as in section
22 76-2217;

23 (21) Real property appraisal activity has the same
24 meaning as in section 76-2215;

25 (22) Relocation management company means a business

1 entity in which the preponderance of its business services include
2 relocation of employees as an agent or contracted service provider to
3 the employer for the purposes of determining an anticipated sales
4 price for the residence of an employee being relocated by the
5 employer;

6 (23) Uniform Standards of Professional Appraisal Practice
7 has the same meaning as in section ~~76-2213.01; 22~~ of this act; and

8 (24) Valuation assignment has the same meaning as in
9 section 76-2219.

10 Sec. 51. Original sections 76-2201, 76-2203, 76-2204,
11 76-2205.01, 76-2215, 76-2217.02, 76-2218, 76-2219, 76-2220, 76-2222,
12 76-2239, 76-2242, 76-2244, 76-2245, 76-2246, and 76-2247.01, Reissue
13 Revised Statutes of Nebraska, and sections 76-2202, 76-2206,
14 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2226, 76-2228.01, 76-2230,
15 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249,
16 and 76-3202, Revised Statutes Cumulative Supplement, 2012, are
17 repealed.

18 Sec. 52. The following sections are outright repealed:
19 Section 76-2211.01, Reissue Revised Statutes of Nebraska, and section
20 76-2229, Revised Statutes Cumulative Supplement, 2012.