

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL**

Introduced by

Read first time

Committee:

1 A BILL FOR AN ACT relating to real property; to amend section 76-2217.03,  
2 Revised Statutes Cumulative Supplement, 2014, and sections 76-2202,  
3 76-2207.13, 76-2207.14, 76-2216.01, 76-2218.02, 76-2221, 76-2222,  
4 76-2227, 76-2227.01, 76-2228.01, 76-2230, 76-2231.01, 76-2232,  
5 76-2233, 76-2233.01, 76-2236, 76-2238, and 76-2241, Revised Statutes  
6 Supplement, 2015; to change provisions relating to the Real Property  
7 Appraiser Act; to harmonize provisions; to repeal the original  
8 sections; and to declare an emergency.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2202, Revised Statutes Supplement, 2015, is  
2 amended to read:

3 76-2202 The Legislature finds that as a result of the enactment of  
4 the Dodd-Frank Wall Street Reform and Consumer Protection Act, as the act  
5 existed on January 1, 2016 ~~2015~~, and the Financial Institutions Reform,  
6 Recovery, and Enforcement Act of 1989, Nebraska's laws providing for  
7 regulation of real property appraisers require restructuring and updating  
8 in order to comply with such acts. Compliance with the acts is necessary  
9 to ensure an adequate number of appraisers in Nebraska to conduct  
10 appraisals of real estate involved in federally related transactions as  
11 defined in such acts.

12 Sec. 2. Section 76-2207.13, Revised Statutes Supplement, 2015, is  
13 amended to read:

14 76-2207.13 Fifteen-hour National Uniform Standards of Professional  
15 Appraisal Practice Course means the course as approved by the Appraiser  
16 Qualifications Board as of January 1, 2016 ~~2014~~, or the equivalent of the  
17 course as approved by the Real Property Appraiser Board.

18 Sec. 3. Section 76-2207.14, Revised Statutes Supplement, 2015, is  
19 amended to read:

20 76-2207.14 Financial Institutions Reform, Recovery, and Enforcement  
21 Act of 1989 means the act as it existed on January 1, 2016 ~~2014~~.

22 Sec. 4. Section 76-2216.01, Revised Statutes Supplement, 2015, is  
23 amended to read:

24 76-2216.01 Real property associate means a person who holds a valid  
25 credential as a real property associate issued under the Real Property  
26 Appraiser Act and:

27 (1) Who performs valuation services pursuant to subsection (2 ~~3~~) of  
28 section 76-2227.01;

29 (2) Who advertises or holds himself or herself out to the general  
30 public as a real property associate; or

31 (3) Who offers, attempts, or agrees to perform or performs valuation

1 services pursuant to subsection (~~2~~ 3) of section 76-2227.01.

2 Sec. 5. Section 76-2217.03, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 76-2217.03 Signature means personalized evidence indicating  
5 authentication of the work performed by the real property appraiser and  
6 the acceptance of the responsibility for content, analyses, ~~and the~~  
7 conclusions, and compliance with the Uniform Standards of Professional  
8 Appraisal Practice in a report.

9 Sec. 6. Section 76-2218.02, Revised Statutes Supplement, 2015, is  
10 amended to read:

11 76-2218.02 Uniform Standards of Professional Appraisal Practice  
12 means the standards promulgated by the Appraisal Foundation as the  
13 standards existed on January 1, 2016 ~~2014~~.

14 Sec. 7. Section 76-2221, Revised Statutes Supplement, 2015, is  
15 amended to read:

16 76-2221 The Real Property Appraiser Act shall not apply to:

17 (1) Any real property appraiser who is a salaried employee of (a)  
18 the federal government, (b) any agency of the state government or a  
19 political subdivision which appraises real estate, (c) any insurance  
20 company authorized to do business in this state, or (d) any bank, savings  
21 bank, savings and loan association, building and loan association, credit  
22 union, or small loan company licensed by this state or supervised or  
23 regulated by or through federal enactments covering financial  
24 institutions, except that any employee of the entities listed in  
25 subdivisions (a) through (d) of this subdivision who signs a report as a  
26 credentialed real property appraiser shall be subject to the act and the  
27 Uniform Standards of Professional Appraisal Practice. Any salaried  
28 employee of the entities listed in subdivisions (a) through (d) of this  
29 subdivision who is a credentialed real property appraiser and who does  
30 not sign a report as a credentialed real property appraiser shall include  
31 the following disclosure prominently with such report: This opinion of

1 value may not meet the minimum standards contained in the Uniform  
2 Standards of Professional Appraisal Practice and is not governed by the  
3 Real Property Appraiser Act;

4 (2) A person referred to in subsection (1) of section 81-885.16;

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

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

21 (5) Any owner of real estate, employee of the owner, or attorney  
22 licensed to practice law in this state representing the owner who renders  
23 an estimate or opinion of value of real estate or any interest in real  
24 estate or damages thereto when such estimate or opinion is offered as  
25 testimony in any condemnation proceeding, or any other person who renders  
26 such an estimate or opinion when that estimate or opinion requires a  
27 specialized knowledge that a real property appraiser would not have,  
28 except that a real property appraiser or a person licensed under the  
29 Nebraska Real Estate License Act is not exempt under this subdivision;

30 (6) Any owner of real estate, employee of the owner, or attorney  
31 licensed to practice law in this state representing the owner who renders

1 an estimate or opinion of value of the real estate or any interest in the  
2 real estate when such estimate or opinion is offered in connection with a  
3 legal matter involving real property;~~or~~

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

16 (8) Any person who is appointed to serve as an appraiser pursuant to  
17 section 76-706, except that if such person is a credential holder, he or  
18 she shall (a) be subject to the scope of practice applicable to his or  
19 her classification of credential and (b) comply with the Uniform  
20 Standards of Professional Appraisal Practice, excluding standards 1  
21 through 10.

22 Sec. 8. Section 76-2222, Revised Statutes Supplement, 2015, is  
23 amended to read:

24 76-2222 (1) The Real Property Appraiser Board is hereby created. The  
25 board shall consist of five members. One member who is a certified real  
26 property appraiser shall be selected from each of the three congressional  
27 districts, and two members shall be selected at large. The two members  
28 selected at large shall include one representative of financial  
29 institutions and one licensed real estate broker who also holds a  
30 credential as a licensed or certified real property appraiser. The  
31 Governor shall appoint the members of the board. The members shall be

1 appointed so that the membership of the board selected from the  
2 congressional districts includes at least two certified ~~general~~ real  
3 property appraisers.

4 (2) The term of each member of the board shall be five years. Upon  
5 the expiration of his or her term, a member of the board shall continue  
6 to hold office until the appointment and qualification of his or her  
7 successor. No person shall serve as a member of the board for consecutive  
8 terms. Any vacancy shall be filled in the same manner as the original  
9 appointment. The Governor may remove a member for cause.

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

12 (4) Three members of the board shall constitute a quorum.

13 (5) Each member of the board shall receive a per diem of one hundred  
14 dollars per day (a) for each scheduled meeting of the board or a  
15 committee of the board at which the member is present and (b) actually  
16 spent in traveling to and from and attending meetings and conferences of  
17 the Association of Appraiser Regulatory Officials and its committees and  
18 subcommittees or of the Appraisal Foundation and its committees and  
19 subcommittees, board committee meetings, or other business as authorized  
20 by the board.

21 (6) Each member of the board shall be reimbursed for actual and  
22 necessary expenses incident to the performance of his or her duties under  
23 the Real Property Appraiser Act and Nebraska Appraisal Management Company  
24 Registration Act as provided in sections 81-1174 to 81-1177.

25 Sec. 9. Section 76-2227, Revised Statutes Supplement, 2015, is  
26 amended to read:

27 76-2227 (1) Applications for initial credentials, upgrade of  
28 credentials, credentials through reciprocity, temporary credentials, and  
29 renewal of credentials, including authorization to take the appropriate  
30 examination, ~~and for renewal of credentials~~ shall be made in writing to  
31 the board on forms approved by the board. The payment of the appropriate

1 fee in an amount established by the board pursuant to section 76-2241  
2 shall accompany all applications.

3 (2) Applications for credentials, ~~including initial and renewal~~  
4 ~~applications,~~ shall include the applicant's social security number and  
5 such other information as the board may require.

6 (3) At the time of filing an ~~initial or renewal~~ application for a  
7 credential credentials, the applicant shall sign a pledge that he or she  
8 has read and will comply with the Uniform Standards of Professional  
9 Appraisal Practice. Each applicant shall also certify that he or she  
10 understands the types of misconduct for which disciplinary proceedings  
11 may be initiated.

12 (4) To qualify for an initial credential, an upgrade of a  
13 credential, a credential through reciprocity, a temporary credential, or  
14 a renewal of a credential, an applicant shall:

15 (a) Certify that disciplinary proceedings are not pending against  
16 him or her in any jurisdiction or state the nature of any pending  
17 disciplinary proceedings;

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

23 (c) Certify that his or her appraiser credential, or any other  
24 registration, license, or certification, issued by any other regulatory  
25 agency or held in any other jurisdiction, has not been revoked or  
26 suspended within the five-year period immediately preceding the date of  
27 application;

28 (d) Not have been convicted of, including a conviction based upon a  
29 plea of guilty or nolo contendere;

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

1       (ii) Any crime of fraud, dishonesty, breach of trust, money  
2 laundering, misrepresentation, or deceit involving real estate, financial  
3 services, or in the making of an appraisal within the five-year period  
4 immediately preceding the date of application; or

5       (iii) Any other crime which is related to the qualifications,  
6 functions, or duties of a real property appraiser within the five-year  
7 period immediately preceding the date of application;

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

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

14       (g) Not possess a background that would call into question public  
15 trust or a credential holder's fitness for credentialing;

16       (5 4) Credentials shall be issued only to persons who have a good  
17 reputation for honesty, trustworthiness, integrity, and competence to  
18 perform assignments in such manner as to safeguard the interest of the  
19 public and only after satisfactory proof of such qualification has been  
20 presented to the board upon request and a completed application has been  
21 approved.

22       (6 5) Credentials shall be issued only to persons who have  
23 demonstrated a general knowledge of Nebraska law as it pertains to real  
24 property appraisal activity.

25       (7 6) No credential shall be issued to a person other than an  
26 individual.

27       Sec. 10. Section 76-2227.01, Revised Statutes Supplement, 2015, is  
28 amended to read:

29       76-2227.01 (1) To qualify for a credential as a real property  
30 associate, an applicant shall:

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

1 (b)(i)(A) Hold a high school diploma or a certificate of high school  
2 equivalency or have education acceptable to the Real Property Appraiser  
3 Board; and

4 (B) Have successfully completed and passed examination for no fewer  
5 than ninety class hours in Real Property Appraiser Board-approved  
6 qualifying education courses as prescribed by rules and regulations of  
7 the Real Property Appraiser Board and complete the fifteen-hour National  
8 Uniform Standards of Professional Appraisal Practice Course. The fifteen-  
9 hour course shall be taught by a Uniform Standards of Professional  
10 Appraisal Practice Instructor who is certified by the Appraiser  
11 Qualifications Board and who is a state-certified appraiser in good  
12 standing. The qualifying education courses shall be conducted by an  
13 accredited degree-awarding community college, college, or university, an  
14 appraisal society, institute, or association, a state or federal agency  
15 or commission, a proprietary school, or such other education provider as  
16 may be approved by the Real Property Appraiser Board, and shall be, at a  
17 minimum, fifteen class hours in length. Each course shall be conducted in  
18 a classroom and not online or by correspondence. Each course shall  
19 include an examination pertinent to the material presented; or

20 (ii) Hold a bachelor's degree or higher in real estate from an  
21 accredited degree-awarding college or university that has had all or part  
22 of its curriculum approved by the Appraiser Qualifications Board as  
23 required core curriculum. If the degree in real estate as approved by the  
24 Appraiser Qualifications Board does not satisfy all required qualifying  
25 education for credentialing, the remaining class hours shall be completed  
26 in Real Property Appraiser Board-approved qualifying education pursuant  
27 to subdivision (1)(b)(i)(B) of this section; and

28 ~~(c) Certify that he or she has not surrendered an appraiser~~  
29 ~~credential, or any other registration, license, or certification, held~~  
30 ~~for any other regulatory agency or in any other jurisdiction, in lieu of~~  
31 ~~disciplinary action pending or threatened within the five-year period~~

1 ~~immediately preceding the date of application;~~

2 ~~(d) Certify that his or her appraiser credential, or any other~~  
3 ~~registration, license, or certification, held for any other regulatory~~  
4 ~~agency or in any other jurisdiction, has not been revoked or suspended~~  
5 ~~within the five year period immediately preceding the date of~~  
6 ~~application;~~

7 ~~(e) Not have been convicted of, including a conviction based upon a~~  
8 ~~plea of guilty or nolo contendere;~~

9 ~~(i) Any felony or, if so convicted, has had his or her civil rights~~  
10 ~~restored;~~

11 ~~(ii) Any crime of fraud, dishonesty, breach of trust, money~~  
12 ~~laundering, misrepresentation, or deceit involving real estate, financial~~  
13 ~~services, or in the making of an appraisal within the five-year period~~  
14 ~~immediately preceding the date of application; or~~

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

18 ~~(f) Certify that no civil judicial actions, including dismissal with~~  
19 ~~settlement, in connection with real estate, financial services, or in the~~  
20 ~~making of an appraisal have been brought against him or her within the~~  
21 ~~five-year period immediately preceding the date of application;~~

22 ~~(g) Demonstrate character and general fitness such as to command the~~  
23 ~~confidence and trust of the public;~~

24 ~~(c h) Submit two copies of legible ink-rolled fingerprint cards or~~  
25 ~~equivalent electronic fingerprint submissions to the Real Property~~  
26 ~~Appraiser Board for delivery to the Nebraska State Patrol in a form~~  
27 ~~approved by both the Nebraska State Patrol and the Federal Bureau of~~  
28 ~~Investigation. A fingerprint-based national criminal history record check~~  
29 ~~shall be conducted through the Nebraska State Patrol and the Federal~~  
30 ~~Bureau of Investigation with such record check to be carried out by the~~  
31 ~~Real Property Appraiser Board. ; and~~

1       ~~(i) Within the twelve months following approval of the applicant's~~  
2       ~~education by the Real Property Appraiser Board, pass a licensed~~  
3       ~~residential real property appraiser examination, certified residential~~  
4       ~~real property appraiser examination, or certified general real property~~  
5       ~~appraiser examination, approved by the Appraiser Qualifications Board,~~  
6       ~~prescribed by rules and regulations of the Real Property Appraiser Board,~~  
7       ~~and administered by a contracted testing service.~~

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

12       ~~(2 3) The scope of practice of a real property associate shall be~~  
13       ~~limited to valuation services not requiring a credential as a trainee~~  
14       ~~real property appraiser, licensed residential real property appraiser,~~  
15       ~~certified residential real property appraiser, or certified general real~~  
16       ~~property appraiser under the Real Property Appraiser Act.~~

17       ~~(3 4) A real property associate shall not advertise or hold himself~~  
18       ~~or herself out to the general public as a real property appraiser.~~

19       Sec. 11. Section 76-2228.01, Revised Statutes Supplement, 2015, is  
20       amended to read:

21       76-2228.01 (1) To qualify for a credential as a trainee real  
22       property appraiser, an applicant shall:

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

24       (b) Hold a high school diploma or a certificate of high school  
25       equivalency or have education acceptable to the Real Property Appraiser  
26       Board;

27       (c)(i) Have successfully completed and passed examination for no  
28       fewer than seventy-five class hours in Real Property Appraiser Board-  
29       approved qualifying education courses as prescribed by rules and  
30       regulations of the Real Property Appraiser Board and complete the  
31       fifteen-hour National Uniform Standards of Professional Appraisal

1 Practice Course. The fifteen-hour course shall be taught by a Uniform  
2 Standards of Professional Appraisal Practice Instructor who is certified  
3 by the Appraiser Qualifications Board and who is a state-certified  
4 appraiser in good standing. The qualifying education courses shall be  
5 conducted by an accredited degree-awarding community college, college, or  
6 university, an appraisal society, institute, or association, a state or  
7 federal agency or commission, a proprietary school, or such other  
8 education provider as may be approved by the Real Property Appraiser  
9 Board, and shall be, at a minimum, fifteen class hours in length. Each  
10 course shall be conducted in a classroom and not online or by  
11 correspondence. Each course shall include an examination pertinent to the  
12 material presented. Except for the fifteen-hour National Uniform  
13 Standards of Professional Appraisal Practice Course, which shall be  
14 completed within the two-year period immediately preceding submission of  
15 the application, all class hours shall be completed within the five-year  
16 period immediately preceding submission of the application; or

17 (ii) Hold a bachelor's degree or higher in real estate from an  
18 accredited degree-awarding college or university that has had all or part  
19 of its curriculum approved by the Appraiser Qualifications Board as  
20 required core curriculum. If the degree in real estate as approved by the  
21 Appraiser Qualifications Board does not satisfy all required qualifying  
22 education for credentialing, the remaining class hours shall be completed  
23 in Real Property Appraiser Board-approved qualifying education pursuant  
24 to subdivision (c)(i) of this subsection;

25 (d) As prescribed by rules and regulations of the Real Property  
26 Appraiser Board, successfully complete a Real Property Appraiser Board-  
27 approved seven-hour supervisory appraiser and trainee course within one  
28 year immediately preceding the date of application; and

29 ~~(e) Certify that he or she has not surrendered an appraiser~~  
30 ~~credential, or any other registration, license, or certification, held~~  
31 ~~for any other regulatory agency or in any other jurisdiction, in lieu of~~

1 ~~disciplinary action pending or threatened within the five-year period~~  
2 ~~immediately preceding the date of application;~~

3 ~~(f) Certify that his or her appraiser credential, or any other~~  
4 ~~registration, license, or certification, held for any other regulatory~~  
5 ~~agency or in any other jurisdiction, has not been revoked or suspended~~  
6 ~~within the five-year period immediately preceding the date of~~  
7 ~~application;~~

8 ~~(g) Not have been convicted of, including a conviction based upon a~~  
9 ~~plea of guilty or nolo contendere:~~

10 ~~(i) Any felony or, if so convicted, has had his or her civil rights~~  
11 ~~restored;~~

12 ~~(ii) Any crime of fraud, dishonesty, breach of trust, money~~  
13 ~~laundering, misrepresentation, or deceit involving real estate, financial~~  
14 ~~services, or in the making of an appraisal within the five-year period~~  
15 ~~immediately preceding the date of application; or~~

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

19 ~~(h) Certify that no civil judicial actions, including dismissal with~~  
20 ~~settlement, in connection with real estate, financial services, or in the~~  
21 ~~making of an appraisal have been brought against him or her within the~~  
22 ~~five-year period immediately preceding the date of application;~~

23 ~~(i) Demonstrate character and general fitness such as to command the~~  
24 ~~confidence and trust of the public; and~~

25 ~~(e j) Submit two copies of legible ink-rolled fingerprint cards or~~  
26 ~~equivalent electronic fingerprint submissions to the Real Property~~  
27 ~~Appraiser Board for delivery to the Nebraska State Patrol in a form~~  
28 ~~approved by both the Nebraska State Patrol and the Federal Bureau of~~  
29 ~~Investigation. A fingerprint-based national criminal history record check~~  
30 ~~shall be conducted through the Nebraska State Patrol and the Federal~~  
31 ~~Bureau of Investigation with such record check to be carried out by the~~

1 Real Property Appraiser Board.

2 (2) Prior to engaging in appraisal practice or real property  
3 appraisal activity, a trainee real property appraiser shall submit a  
4 written request for supervisory appraiser approval on a form approved by  
5 the board. The request for supervisory appraiser approval may be made at  
6 the time of application or any time after approval as a trainee real  
7 property appraiser.

8 (3) To qualify for an upgraded credential, a trainee real property  
9 appraiser shall satisfy the appropriate requirements as follows:

10 (a) Submit two copies of legible ink-rolled fingerprint cards or  
11 equivalent electronic fingerprint submissions to the Real Property  
12 Appraiser Board for delivery to the Nebraska State Patrol in a form  
13 approved by both the Nebraska State Patrol and the Federal Bureau of  
14 Investigation. A fingerprint-based national criminal history record check  
15 shall be conducted through the Nebraska State Patrol and the Federal  
16 Bureau of Investigation with such record check to be carried out by the  
17 Real Property Appraiser Board; and

18 (b) Within the twelve months following approval of the applicant's  
19 education and experience by the Real Property Appraiser Board for an  
20 upgraded credential, pass an appropriate examination approved by the  
21 Appraiser Qualifications Board for that upgraded credential, prescribed  
22 by rules and regulations of the Real Property Appraiser Board, and  
23 administered by a contracted testing service.

24 (4) To qualify for a credential as a licensed residential real  
25 property appraiser, a trainee real property appraiser shall:

26 (a) Meet the postsecondary educational requirements pursuant to  
27 subdivision (1)(b)(i) or (ii) and (1)(c) of section 76-2230;

28 (b) Successfully complete and pass examination for no fewer than  
29 seventy-five additional class hours in board-approved qualifying  
30 education courses as prescribed by rules and regulations of the board, or  
31 hold a bachelor's degree in real estate from an accredited degree-

1 awarding college or university pursuant to subdivision (1)(d)(ii) of  
2 section 76-2230; and

3 (c) Meet the experience requirements pursuant to subdivision (1)(e)  
4 of section 76-2230.

5 (5) To qualify for a credential as a certified residential real  
6 property appraiser, a trainee real property appraiser shall:

7 (a) Meet the postsecondary educational requirements pursuant to  
8 subdivision (1)(b) and (c) of section 76-2231.01;

9 (b) Successfully complete and pass examination for no fewer than one  
10 hundred twenty-five additional class hours in board-approved qualifying  
11 education courses as prescribed by rules and regulations of the board, or  
12 hold a bachelor's degree in real estate from an accredited degree-  
13 awarding college or university pursuant to subdivision (1)(d)(ii) of  
14 section 76-2231.01; and

15 (c) Meet the experience requirements pursuant to subdivision (1)(e)  
16 of section 76-2231.01.

17 (6) To qualify for a credential as a certified general real property  
18 appraiser, a trainee real property appraiser shall:

19 (a) Meet the postsecondary educational requirements pursuant to  
20 subdivision (1)(b) and (c) of section 76-2232;

21 (b) Successfully complete and pass examination for no fewer than two  
22 hundred twenty-five additional class hours in board-approved qualifying  
23 education courses as prescribed by rules and regulations of the board, or  
24 hold a bachelor's degree in real estate from an accredited degree-  
25 awarding college or university pursuant to subdivision (1)(d)(ii) of  
26 section 76-2232; and

27 (c) Meet the experience requirements pursuant to subdivision (1)(e)  
28 of section 76-2232.

29 (7) The scope of practice for the trainee real property appraiser  
30 shall be limited to the appraisal of those properties that the  
31 supervisory certified real property appraiser is permitted to appraise by

1 his or her current credential and that the supervisory appraiser is  
2 competent to appraise.

3 Sec. 12. Section 76-2230, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 76-2230 (1) To qualify for a credential as a licensed residential  
6 real property appraiser, an applicant shall:

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

8 (b)(i) Hold an associate's degree, or higher, from an accredited  
9 degree-awarding community college, college, or university; or

10 (ii) Successfully complete thirty semester hours of college-level  
11 education, from an accredited degree-awarding community college, college,  
12 or university. If an accredited degree-awarding community college,  
13 college, or university accepts the College-Level Examination Program and  
14 examinations and issues a transcript for the examination showing its  
15 approval, it will be considered as credit for the college course;

16 (c) Have his or her education evaluated for equivalency by one of  
17 the following if the college degree is from a foreign country:

18 (i) An accredited degree-awarding college or university;

19 (ii) The American Association of Collegiate Registrars and  
20 Admissions Officers;

21 (iii) A foreign degree credential evaluation service company that is  
22 a member of the National Association of Credential Evaluation Services;  
23 or

24 (iv) A foreign degree credential evaluation service company that  
25 provides equivalency evaluation reports accepted by an accredited degree-  
26 awarding college or university;

27 (d)(i) Have successfully completed and passed examination for no  
28 fewer than one hundred fifty class hours in Real Property Appraiser  
29 Board-approved qualifying education courses as prescribed by rules and  
30 regulations of the Real Property Appraiser Board and complete the  
31 fifteen-hour National Uniform Standards of Professional Appraisal

1 Practice Course. The fifteen-hour course shall be taught by a Uniform  
2 Standards of Professional Appraisal Practice Instructor who is certified  
3 by the Appraiser Qualifications Board and who is a state-certified  
4 appraiser in good standing. The qualifying education courses shall be  
5 conducted by an accredited degree-awarding community college, college, or  
6 university, an appraisal society, institute, or association, a state or  
7 federal agency or commission, a proprietary school, or such other  
8 education provider as may be approved by the Real Property Appraiser  
9 Board, and shall be, at a minimum, fifteen class hours in length. Each  
10 course shall be conducted in a classroom and not online or by  
11 correspondence. Each course shall include a closed-book examination  
12 pertinent to the material presented; or

13 (ii) Hold a bachelor's degree or higher in real estate from an  
14 accredited degree-awarding college or university that has had all or part  
15 of its curriculum approved by the Appraiser Qualifications Board as  
16 required core curriculum. If the degree in real estate as approved by the  
17 Appraiser Qualifications Board does not satisfy all required qualifying  
18 education for credentialing, the remaining class hours shall be completed  
19 in Real Property Appraiser Board-approved qualifying education pursuant  
20 to subdivision (d)(i) of this subsection;

21 (e) Have no fewer than two thousand hours of experience as  
22 prescribed by rules and regulations of the Real Property Appraiser Board.  
23 The required experience shall be acceptable to the Real Property  
24 Appraiser Board and subject to review and determination as to conformity  
25 with the Uniform Standards of Professional Appraisal Practice. The  
26 experience shall have occurred during a period of no fewer than twelve  
27 months. If requested, evidence acceptable to the Real Property Appraiser  
28 Board concerning the experience shall be presented by the applicant in  
29 the form of written reports or file memoranda;

30 ~~(f) Certify that he or she has not surrendered an appraiser~~  
31 ~~credential, or any other registration, license, or certification, held~~

1 ~~for any other regulatory agency or in any other jurisdiction, in lieu of~~  
2 ~~disciplinary action pending or threatened within the five-year period~~  
3 ~~immediately preceding the date of application;~~

4 ~~(g) Certify that his or her appraiser credential, or any other~~  
5 ~~registration, license, or certification, held for any other regulatory~~  
6 ~~agency or in any other jurisdiction, has not been revoked or suspended~~  
7 ~~within the five-year period immediately preceding the date of~~  
8 ~~application;~~

9 ~~(h) Not have been convicted of, including a conviction based upon a~~  
10 ~~plea of guilty or nolo contendere;~~

11 ~~(i) Any felony or, if so convicted, has had his or her civil rights~~  
12 ~~restored;~~

13 ~~(ii) Any crime of fraud, dishonesty, breach of trust, money~~  
14 ~~laundering, misrepresentation, or deceit involving real estate, financial~~  
15 ~~services, or in the making of an appraisal within the five-year period~~  
16 ~~immediately preceding the date of application; or~~

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

20 ~~(i) Certify that no civil judicial actions, including dismissal with~~  
21 ~~settlement, in connection with real estate, financial services, or in the~~  
22 ~~making of an appraisal have been brought against him or her within the~~  
23 ~~five-year period immediately preceding the date of application;~~

24 ~~(j) Demonstrate character and general fitness such as to command the~~  
25 ~~confidence and trust of the public;~~

26 ~~(f k) Submit two copies of legible ink-rolled fingerprint cards or~~  
27 ~~equivalent electronic fingerprint submissions to the Real Property~~  
28 ~~Appraiser Board for delivery to the Nebraska State Patrol in a form~~  
29 ~~approved by both the Nebraska State Patrol and the Federal Bureau of~~  
30 ~~Investigation. A fingerprint-based national criminal history record check~~  
31 ~~shall be conducted through the Nebraska State Patrol and the Federal~~

1 Bureau of Investigation with such record check to be carried out by the  
2 Real Property Appraiser Board; and

3 (g ~~1~~) Within the twelve months following approval of the applicant's  
4 education and experience by the Real Property Appraiser Board, pass a  
5 licensed residential real property appraiser examination, certified  
6 residential real property appraiser examination, or certified general  
7 real property appraiser examination, approved by the Appraiser  
8 Qualifications Board, prescribed by rules and regulations of the Real  
9 Property Appraiser Board, and administered by a contracted testing  
10 service.

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

14 (a) Submit two copies of legible ink-rolled fingerprint cards or  
15 equivalent electronic fingerprint submissions to the Real Property  
16 Appraiser Board for delivery to the Nebraska State Patrol in a form  
17 approved by both the Nebraska State Patrol and the Federal Bureau of  
18 Investigation. A fingerprint-based national criminal history record check  
19 shall be conducted through the Nebraska State Patrol and the Federal  
20 Bureau of Investigation with such record check to be carried out by the  
21 Real Property Appraiser Board; and

22 (b) Within the twelve months following approval of the applicant's  
23 education and experience by the Real Property Appraiser Board for an  
24 upgraded credential, pass an appropriate examination approved by the  
25 Appraiser Qualifications Board for that upgraded credential, prescribed  
26 by rules and regulations of the Real Property Appraiser Board, and  
27 administered by a contracted testing service.

28 (3) To qualify for a credential as a certified residential real  
29 property appraiser, a licensed residential real property appraiser shall:

30 (a) Meet the postsecondary educational requirements pursuant to  
31 subdivisions (1)(b) and (c) of section 76-2231.01;

1 (b) Successfully complete and pass examination for no fewer than  
2 fifty additional class hours in board-approved qualifying education  
3 courses as prescribed by rules and regulations of the board, or hold a  
4 bachelor's degree in real estate from an accredited degree-awarding  
5 college or university pursuant to subdivision (1)(d)(ii) of section  
6 76-2231.01; and

7 (c) Meet the experience requirements pursuant to subdivision (1)(e)  
8 of section 76-2231.01.

9 (4) To qualify for a credential as a certified general real property  
10 appraiser, a licensed residential real property appraiser shall:

11 (a) Meet the postsecondary educational requirements pursuant to  
12 subdivisions (1)(b) and (c) of section 76-2232;

13 (b) Successfully complete and pass examination for no fewer than one  
14 hundred fifty additional class hours in board-approved qualifying  
15 education courses as prescribed by rules and regulations of the board, or  
16 hold a bachelor's degree in real estate from an accredited degree-  
17 awarding college or university pursuant to subdivision (1)(d)(ii) of  
18 section 76-2232; and

19 (c) Meet the experience requirements pursuant to subdivision (1)(e)  
20 of section 76-2232.

21 (5) An appraiser holding a valid licensed residential real property  
22 appraiser credential shall satisfy the requirements for the trainee real  
23 property appraiser credential for a downgraded credential.

24 (6) The scope of practice for a licensed residential real property  
25 appraiser shall be limited to the appraisal of, and review of appraisal  
26 of, noncomplex residential real property having no more than four units,  
27 if any, with a transaction value of less than one million dollars and  
28 complex residential real property having no more than four units, with a  
29 transaction value of less than two hundred fifty thousand dollars. The  
30 appraisal of subdivisions for which a development analysis or appraisal  
31 is necessary is not included in the scope of practice for a licensed

1 residential real property appraiser.

2 Sec. 13. Section 76-2231.01, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 76-2231.01 (1) To qualify for a credential as a certified  
5 residential real property appraiser, an applicant shall:

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

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

9 (c) Have his or her education evaluated for equivalency by one of  
10 the following if the college degree is from a foreign country:

11 (i) An accredited degree-awarding college or university;

12 (ii) The American Association of Collegiate Registrars and  
13 Admissions Officers;

14 (iii) A foreign degree credential evaluation service company that is  
15 a member of the National Association of Credential Evaluation Services;  
16 or

17 (iv) A foreign degree credential evaluation service company that  
18 provides equivalency evaluation reports accepted by an accredited degree-  
19 awarding college or university;

20 (d)(i) Have successfully completed and passed examination for no  
21 fewer than two hundred class hours in Real Property Appraiser Board-  
22 approved qualifying education courses as prescribed by rules and  
23 regulations of the Real Property Appraiser Board and completed the  
24 fifteen-hour National Uniform Standards of Professional Appraisal  
25 Practice Course. The fifteen-hour course shall be taught by a Uniform  
26 Standards of Professional Appraisal Practice Instructor who is certified  
27 by the Appraiser Qualifications Board and who is a state-certified  
28 appraiser in good standing. The qualifying education courses shall be  
29 conducted by an accredited degree-awarding community college, college, or  
30 university, an appraisal society, institute, or association, a state or  
31 federal agency or commission, a proprietary school, or such other

1 education provider as may be approved by the Real Property Appraiser  
2 Board, and shall be, at a minimum, fifteen class hours in length. Each  
3 course shall be conducted in a classroom and not online or by  
4 correspondence. Each course shall include a closed-book examination  
5 pertinent to the material presented; or

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

14 (e) Have no fewer than two thousand five hundred hours of experience  
15 as prescribed by rules and regulations of the Real Property Appraiser  
16 Board. The required experience shall be acceptable to the Real Property  
17 Appraiser Board and subject to review and determination as to conformity  
18 with the Uniform Standards of Professional Appraisal Practice. The  
19 experience shall have occurred during a period of no fewer than twenty-  
20 four months. If requested, evidence acceptable to the Real Property  
21 Appraiser Board concerning the experience shall be presented by the  
22 applicant in the form of written reports or file memoranda;

23 ~~(f) Certify that he or she has not surrendered an appraiser~~  
24 ~~credential, or any other registration, license, or certification, held~~  
25 ~~for any other regulatory agency or in any other jurisdiction, in lieu of~~  
26 ~~disciplinary action pending or threatened within the five-year period~~  
27 ~~immediately preceding the date of application;~~

28 ~~(g) Certify that his or her appraiser credential, or any other~~  
29 ~~registration, license, or certification, held for any other regulatory~~  
30 ~~agency or in any other jurisdiction, has not been revoked or suspended~~  
31 ~~within the five-year period immediately preceding the date of~~

1 application;

2 ~~(h) Not have been convicted of, including a conviction based upon a~~  
3 ~~plea of guilty or nolo contendere;~~

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

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

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

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

17 ~~(j) Demonstrate character and general fitness such as to command the~~  
18 ~~confidence and trust of the public;~~

19 (f k) Submit two copies of legible ink-rolled fingerprint cards or  
20 equivalent electronic fingerprint submissions to the Real Property  
21 Appraiser Board for delivery to the Nebraska State Patrol in a form  
22 approved by both the Nebraska State Patrol and the Federal Bureau of  
23 Investigation. A fingerprint-based national criminal history record check  
24 shall be conducted through the Nebraska State Patrol and the Federal  
25 Bureau of Investigation with such record check to be carried out by the  
26 Real Property Appraiser Board; and

27 (g l) Within the twelve months following approval of the applicant's  
28 education and experience by the Real Property Appraiser Board, pass a  
29 certified residential real property appraiser examination or certified  
30 general real property appraiser examination, approved by the Appraiser  
31 Qualifications Board, prescribed by rules and regulations of the Real

1 Property Appraiser Board, and administered by a contracted testing  
2 service.

3 (2) To qualify for an upgraded credential, a certified residential  
4 real property appraiser shall satisfy the following requirements:

5 (a) Submit two copies of legible ink-rolled fingerprint cards or  
6 equivalent electronic fingerprint submissions to the Real Property  
7 Appraiser Board for delivery to the Nebraska State Patrol in a form  
8 approved by both the Nebraska State Patrol and the Federal Bureau of  
9 Investigation. A fingerprint-based national criminal history record check  
10 shall be conducted through the Nebraska State Patrol and the Federal  
11 Bureau of Investigation with such record check to be carried out by the  
12 Real Property Appraiser Board; and

13 (b) Within the twelve months following approval of the applicant's  
14 education and experience by the Real Property Appraiser Board for an  
15 upgrade to a certified general real property appraiser credential, pass a  
16 certified general real property appraiser examination approved by the  
17 Appraiser Qualifications Board, prescribed by rules and regulations of  
18 the Real Property Appraiser Board, and administered by a contracted  
19 testing service.

20 (3) To qualify for a credential as a certified general real property  
21 appraiser, a certified residential real property appraiser shall:

22 (a) Meet the postsecondary educational requirements pursuant to  
23 subdivisions (1)(b) and (c) of section 76-2232;

24 (b) Successfully complete and pass examination for no fewer than one  
25 hundred additional class hours in board-approved qualifying education  
26 courses as prescribed by rules and regulations of the board, or hold a  
27 bachelor's degree in real estate from an accredited degree-awarding  
28 college or university pursuant to subdivision (1)(d)(ii) of section  
29 76-2232; and

30 (c) Meet the experience requirements pursuant to subdivision (1)(e)  
31 of section 76-2232.

1 (4) An appraiser holding a valid certified residential real property  
2 appraiser credential shall satisfy the requirements for the trainee real  
3 property appraiser credential and licensed residential real property  
4 appraiser credential for a downgraded credential. If requested, evidence  
5 acceptable to the Real Property Appraiser Board concerning the experience  
6 shall be presented along with an application in the form of written  
7 reports or file memoranda.

8 (5) The scope of practice for a certified residential real property  
9 appraiser shall be limited to the appraisal of, and review of appraisal  
10 of, residential property having no more than four residential units,  
11 without regard to transaction value or complexity. The appraisal of  
12 subdivisions for which a development analysis or appraisal is necessary,  
13 is not included in the scope of practice for a certified residential real  
14 property appraiser.

15 Sec. 14. Section 76-2232, Revised Statutes Supplement, 2015, is  
16 amended to read:

17 76-2232 (1) To qualify for a credential as a certified general real  
18 property appraiser, an applicant shall:

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

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

22 (c) Have his or her education evaluated for equivalency by one of  
23 the following if the college degree is from a foreign country:

24 (i) An accredited degree-awarding college or university;

25 (ii) The American Association of Collegiate Registrars and  
26 Admissions Officers;

27 (iii) A foreign degree credential evaluation service company that is  
28 a member of the National Association of Credential Evaluation Services;  
29 or

30 (iv) A foreign degree credential evaluation service company that  
31 provides equivalency evaluation reports accepted by an accredited degree-

1 awarding college or university;

2 (d)(i) Have successfully completed and passed examination for no  
3 fewer than three hundred class hours in Real Property Appraiser Board-  
4 approved qualifying education courses as prescribed by rules and  
5 regulations of the Real Property Appraiser Board and completed the  
6 fifteen-hour National Uniform Standards of Professional Appraisal  
7 Practice Course. The fifteen-hour course shall be taught by a Uniform  
8 Standards of Professional Appraisal Practice Instructor who is certified  
9 by the Appraiser Qualifications Board and who is a state-certified  
10 appraiser in good standing. The qualifying education courses shall be  
11 conducted by an accredited degree-awarding community college, college, or  
12 university, an appraisal society, institute, or association, a state or  
13 federal agency or commission, a proprietary school, or such other  
14 education provider as may be approved by the Real Property Appraiser  
15 Board, and shall be, at a minimum, fifteen class hours in length. Each  
16 course shall be conducted in a classroom and not online or by  
17 correspondence. Each course shall include a closed-book examination  
18 pertinent to the material presented; or

19 (ii) Hold a bachelor's degree or higher in real estate from an  
20 accredited degree-awarding college or university that has had all or part  
21 of its curriculum approved by the Appraiser Qualifications Board as  
22 required core curriculum. If the degree in real estate as approved by the  
23 Appraiser Qualifications Board does not satisfy all required qualifying  
24 education for credentialing, the remaining class hours shall be completed  
25 in Real Property Appraiser Board-approved qualifying education pursuant  
26 to subdivision (d)(i) of this subsection;

27 (e) Have no fewer than three thousand hours of experience, of which  
28 one thousand five hundred hours shall be in nonresidential appraisal  
29 work, as prescribed by rules and regulations of the Real Property  
30 Appraiser Board. The required experience shall be acceptable to the Real  
31 Property Appraiser Board and subject to review and determination as to

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

6 ~~(f) Certify that he or she has not surrendered an appraiser~~  
7 ~~credential, or any other registration, license, or certification, held~~  
8 ~~for any other regulatory agency or in any other jurisdiction, in lieu of~~  
9 ~~disciplinary action pending or threatened within the five-year period~~  
10 ~~immediately preceding the date of application;~~

11 ~~(g) Certify that his or her appraiser credential, or any other~~  
12 ~~registration, license, or certification, held for any other regulatory~~  
13 ~~agency or in any other jurisdiction, has not been revoked or suspended~~  
14 ~~within the five year period immediately preceding the date of~~  
15 ~~application;~~

16 ~~(h) Not have been convicted of, including a conviction based upon a~~  
17 ~~plea of guilty or nolo contendere;~~

18 ~~(i) Any felony or, if so convicted, has had his or her civil rights~~  
19 ~~restored;~~

20 ~~(ii) Any crime of fraud, dishonesty, breach of trust, money~~  
21 ~~laundering, misrepresentation, or deceit involving real estate, financial~~  
22 ~~services, or in the making of an appraisal within the five-year period~~  
23 ~~immediately preceding the date of application; or~~

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

27 ~~(i) Certify that no civil judicial actions, including dismissal with~~  
28 ~~settlement, in connection with real estate, financial services, or in the~~  
29 ~~making of an appraisal have been brought against him or her within the~~  
30 ~~five-year period immediately preceding the date of application;~~

31 ~~(j) Demonstrate character and general fitness such as to command the~~

1 ~~confidence and trust of the public;~~

2 (f k) Submit two copies of legible ink-rolled fingerprint cards or  
3 equivalent electronic fingerprint submissions to the Real Property  
4 Appraiser Board for delivery to the Nebraska State Patrol in a form  
5 approved by both the Nebraska State Patrol and the Federal Bureau of  
6 Investigation. A fingerprint-based national criminal history record check  
7 shall be conducted through the Nebraska State Patrol and the Federal  
8 Bureau of Investigation with such record check to be carried out by the  
9 Real Property Appraiser Board; and

10 (g l) Within the twelve months following approval of the applicant's  
11 education and experience by the Real Property Appraiser Board, pass a  
12 certified general real property appraiser examination, approved by the  
13 Appraiser Qualifications Board, prescribed by rules and regulations of  
14 the Real Property Appraiser Board, and administered by a contracted  
15 testing service.

16 (2) An appraiser holding a valid certified general real property  
17 appraiser credential shall satisfy the requirements for the trainee real  
18 property appraiser credential, licensed residential real property  
19 appraiser credential, and certified residential real property appraiser  
20 credential for a downgraded credential. If requested, evidence acceptable  
21 to the Real Property Appraiser Board concerning the experience shall be  
22 presented along with an application in the form of written reports or  
23 file memoranda.

24 (3) The scope of practice for the certified general real property  
25 appraiser is the appraisal of all types of real property that appraiser  
26 is competent to appraise.

27 Sec. 15. Section 76-2233, Revised Statutes Supplement, 2015, is  
28 amended to read:

29 76-2233 (1) A person currently credentialed to appraise real estate  
30 and real property under the laws of another jurisdiction may obtain a  
31 credential as a licensed residential real property appraiser, a certified

1 residential real property appraiser, or a certified general real property  
2 appraiser by complying with all of the provisions of the Real Property  
3 Appraiser Act relating to the appropriate classification of  
4 credentialing.

5 (2) If, in the determination of the board, the applicant's  
6 jurisdiction of practice specified in an application for credentialing  
7 meets or exceeds the requirements of this state, and that jurisdiction is  
8 determined to be in compliance with Title XI of the Financial  
9 Institutions Reform, Recovery, and Enforcement Act of 1989, an applicant  
10 of such jurisdiction may, through reciprocity, become credentialed under  
11 the Real Property Appraiser Act.

12 (3) To qualify for a credential through reciprocity reciprocal  
13 credentialing, the applicant shall:

14 ~~(a) Submit evidence of experience as prescribed by rules and~~  
15 ~~regulations of the board. The experience shall be acceptable to the board~~  
16 ~~and subject to review and determination as to conformity with the Uniform~~  
17 ~~Standards of Professional Appraisal Practice. If requested, evidence~~  
18 ~~acceptable to the board concerning the experience shall be presented by~~  
19 ~~the applicant in the form of written reports or file memoranda;~~

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

23 ~~(c) Certify that he or she has not surrendered an appraiser~~  
24 ~~credential, or any other registration, license, or certification, held by~~  
25 ~~any other regulatory agency or in any other jurisdiction, in lieu of~~  
26 ~~disciplinary action pending or threatened within the five-year period~~  
27 ~~immediately preceding the date of application;~~

28 ~~(d) Certify that his or her appraiser credential, or any other~~  
29 ~~registration, license, or certification, held by any other regulatory~~  
30 ~~agency or in any other jurisdiction, has not been revoked or suspended~~  
31 ~~within the five-year period immediately preceding the date of~~

1 application;

2 ~~(e) Not have been convicted of, including a conviction based upon a~~  
3 ~~plea of guilty or nolo contendere;~~

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

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

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

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

17 ~~(g) Demonstrate character and general fitness such as to command the~~  
18 ~~confidence and trust of the public;~~

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

26 (b) Submit an irrevocable consent that service of process upon him  
27 or her may be made by delivery of the process to the director of the  
28 board if the plaintiff cannot, in the exercise of due diligence, effect  
29 personal service upon the applicant in an action against the applicant in  
30 a court of this state arising out of the applicant's activities as a real  
31 property appraiser in this state; and

1 (c j) Comply with such other terms and conditions as may be  
2 determined by the board.

3 (4) The credential status of an applicant under this section,  
4 including current standing and any disciplinary action imposed against  
5 his or her credentials, shall be verified through the National Registry  
6 of the Appraisal Subcommittee of the Federal Financial Institutions  
7 Examination Council.

8 Sec. 16. Section 76-2233.01, Revised Statutes Supplement, 2015, is  
9 amended to read:

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

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

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

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

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

27 ~~(d) Submit his or her social security number and such other~~  
28 ~~information as the board may require;~~

29 ~~(e) Certify that disciplinary proceedings are not pending against~~  
30 ~~the applicant in any jurisdiction or state the nature of any pending~~  
31 ~~disciplinary proceedings; and~~

1           (d f) Pay the appropriate application fee in an amount established  
2 by the board pursuant to section 76-2241.

3           (3) The credential status of an applicant under this section,  
4 including current standing and any disciplinary action imposed against  
5 his or her credentials, shall be verified through the National Registry  
6 of the Appraisal Subcommittee of the Federal Financial Institutions  
7 Examination Council.

8           (4) Application for a temporary credential is valid for one year  
9 from the date application is made to the board or upon the expiration of  
10 the assignment specified in the letter of engagement, whichever occurs  
11 first.

12           (5) A temporary credential issued under this section shall be  
13 expressly limited to a grant of authority to engage in real property  
14 appraisal activity required for an assignment in this state. Each  
15 temporary credential shall expire upon the completion of the assignment  
16 or upon the expiration of a period of six months from the date of  
17 issuance, whichever occurs first. A temporary credential may be renewed  
18 for one additional six-month period.

19           (6) Any person issued a temporary credential to engage in real  
20 property appraisal activity in this state shall comply with all of the  
21 provisions of the Real Property Appraiser Act relating to the appropriate  
22 classification of credentialing. The board may, upon its own motion, and  
23 shall, upon the written complaint of any aggrieved person, cause an  
24 investigation to be made with respect to an alleged violation of the act  
25 by a person who is engaged in, or who has engaged in, real property  
26 appraisal activity as a temporary credential holder, and that person  
27 shall be deemed a real property appraiser within the meaning of the act.

28           Sec. 17. Section 76-2236, Revised Statutes Supplement, 2015, is  
29 amended to read:

30           76-2236 (1) Every credential holder shall furnish evidence to the  
31 board that he or she has satisfactorily completed no fewer than twenty-

1 eight hours of approved continuing education activities in each two-year  
2 continuing education period. The continuing education period begins on  
3 January 1 of the next year for any credential holder who first obtained  
4 his or her credential at the current level on or after July 1. Hours of  
5 satisfactorily completed approved continuing education activities cannot  
6 be carried over from one two-year continuing education period to another.  
7 Evidence of successful completion of such continuing education activities  
8 for the two-year continuing education period, including passing  
9 examination if applicable, shall be submitted to the board in the manner  
10 prescribed by the board. No continuing education activity shall be less  
11 than two hours in duration. A person who holds a temporary credential  
12 does not have to meet any continuing education requirements in the Real  
13 Property Appraiser Act.

14 (2) No more than fourteen hours of approved continuing education  
15 activities in each two-year continuing education period shall be taken  
16 online or by correspondence. All online courses shall conform to the  
17 Appraiser Qualifications Board's criteria.

18 (3) As prescribed by rules and regulations of the Real Property  
19 Appraiser Board and at least once every two years, the seven-hour  
20 National Uniform Standards of Professional Appraisal Practice Update  
21 Course as approved by the Appraiser Qualifications Board as of January 1,  
22 2016 ~~2014~~, or the equivalent of the course as approved by the Real  
23 Property Appraiser Board, shall be included in the continuing education  
24 requirement of each credential holder. The seven-hour National Uniform  
25 Standards of Professional Appraisal Practice Update Course or an  
26 equivalent of the course as approved by the board shall:

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

28 (b) Be approved by the board as a continuing education activity for  
29 the duration the course is approved by the Appraiser Qualifications Board  
30 as of January 1, 2016 ~~2014~~; and

31 (c) Be taught by an instructor certified by the Appraiser

1 Qualifications Board to teach the Uniform Standards of Professional  
2 Appraisal Practice and who is a state-certified appraiser in good  
3 standing.

4 (4) As prescribed by rules and regulations of the Real Property  
5 Appraiser Board and at least once every four years, but not more than  
6 every two years, a ~~seven-hour~~ report writing update course of at least  
7 seven hours, as approved by the board, shall be included in the  
8 continuing education requirement of each credential holder. The ~~seven-~~  
9 ~~hour~~ report writing update course shall be taken in a classroom and not  
10 online or by correspondence.

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

18 (6) The board may adopt a program of continuing education for  
19 individual credentials as long as the program is compliant with the  
20 Appraiser Qualifications Board's criteria specific to continuing  
21 education.

22 (7) No more than fourteen hours may be approved by the Real Property  
23 Appraiser Board as continuing education in each two-year continuing  
24 education period for participation, other than as a student, in appraisal  
25 educational processes and programs, which includes teaching, program  
26 development, authorship of textbooks, or similar activities that are  
27 determined by the board to be equivalent to obtaining continuing  
28 education. Evidence of participation shall be submitted to the board upon  
29 completion of the appraisal educational process or program. No  
30 preapproval will be granted for participation in appraisal educational  
31 processes or programs.

1 (8) Qualifying education, as approved by the board, successfully  
2 completed by a credential holder to fulfill the class-hour requirement to  
3 upgrade to a higher classification than his or her current  
4 classification, shall be approved by the board as continuing education.

5 (9) Qualifying education, as approved by the board, taken by a  
6 credential holder not to fulfill the class-hour requirement to upgrade to  
7 a higher classification, shall be approved by the board as continuing  
8 education if the credential holder completes the examination.

9 (10) A board-approved seven-hour supervisory appraiser and trainee  
10 course successfully completed by a certified real property appraiser for  
11 approval as a supervisory appraiser shall be approved by the board as  
12 continuing education no more than once during each two-year continuing  
13 education period.

14 (11) The Real Property Appraiser Board shall approve continuing  
15 education activities and instructors which it determines would protect  
16 the public by improving the competency of credential holders.

17 Sec. 18. Section 76-2238, Revised Statutes Supplement, 2015, is  
18 amended to read:

19 76-2238 The following acts and omissions shall be considered grounds  
20 for disciplinary action or denial of an application by the board:

21 (1) Failure to meet the minimum qualifications for credentialing  
22 established by or pursuant to the Real Property Appraiser Act;

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

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

31 (4) An act or omission involving real estate or appraisal practice

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

4 (5) Failure to demonstrate character and general fitness such as to  
5 command the confidence and trust of the public;

6 (6) Conviction, including a conviction based upon a plea of guilty  
7 or nolo contendere, of any felony unless his or her civil rights have  
8 been restored;

9 (7) Entry of a final civil or criminal judgment against a credential  
10 holder, including dismissal with settlement, on grounds of fraud,  
11 dishonesty, breach of trust, money laundering, misrepresentation, or  
12 deceit involving real estate, financial services, or in the making of an  
13 appraisal;

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

17 (9) Performing services as a credentialed real property appraiser or  
18 a credentialed real property associate under an assumed or fictitious  
19 name;

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

24 (11) Making a false or misleading statement in that portion of a  
25 written report that deals with professional qualifications or in any  
26 testimony concerning professional qualifications;

27 (12) Any violation of the act or any rules and regulations adopted  
28 and promulgated pursuant to the act;

29 (13) Violation of the confidential nature of any information to  
30 which a credential holder gained access through employment for evaluation  
31 assignments or valuation assignments;

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

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

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

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

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

18 (19) Suspension or revocation of an appraisal credential or a  
19 license in another regulated occupation, trade, or profession in this or  
20 any other jurisdiction or disciplinary action taken by another  
21 jurisdiction that limits the real property appraiser's ability to engage  
22 in real property appraisal activity;

23 (20) Failure to renew or surrendering an appraisal credential or any  
24 other registration, license, or certification issued ~~held~~ by any other  
25 regulatory agency or held in any other jurisdiction in lieu of  
26 disciplinary action pending or threatened;

27 (21) Failure to report disciplinary action taken against an  
28 appraisal credential or any other registration, license, or certification  
29 issued by ~~held for~~ any other regulatory agency or held in any other  
30 jurisdiction within sixty days of receiving notice of such disciplinary  
31 action;

1 (22) Failure to comply with terms of a consent agreement or  
2 settlement agreement;

3 (23) Failure to submit or produce books, records, documents,  
4 workfiles, reports, or other materials requested by the board concerning  
5 any matter under investigation;

6 (24) Failure of an education provider to produce records, documents,  
7 reports, or other materials, including, but not limited to, required  
8 student attendance reports, to the board;

9 (25) Knowingly offering or attempting to offer a qualifying or  
10 continuing education course or activity as being approved by the board to  
11 an appraiser credentialed under the Real Property Appraiser Act, or an  
12 applicant, without first obtaining approval of the activity from the  
13 board, except for courses required by an accredited degree-awarding  
14 college or university for completion of a degree in real estate, if the  
15 college or university had its curriculum approved by the Appraiser  
16 Qualifications Board as qualifying education;

17 (26) Presentation to the Real Property Appraiser Board of any check  
18 which is returned to the State Treasurer unpaid, whether payment of fee  
19 is for an initial or renewal credential or for examination; and

20 (27) Failure to pass the examination.

21 Sec. 19. Section 76-2241, Revised Statutes Supplement, 2015, is  
22 amended to read:

23 76-2241 (1) The board shall charge and collect appropriate fees for  
24 its services under the Real Property Appraiser Act as follows:

25 (a) A credential application fee of no more than one hundred fifty  
26 dollars;

27 (b) An examination fee of no more than three hundred dollars. The  
28 board may direct applicants to pay the fee directly to a third party who  
29 has contracted to administer the examination;

30 (c) An initial and renewal credentialing fee, other than temporary  
31 credentialing, of no more than three hundred dollars;

1 (d) A late processing fee of no more than twenty-five dollars for  
2 each month or portion of a month the fee is late;

3 (e) A temporary credential application fee for a licensed  
4 residential real property appraiser, a certified residential real  
5 property appraiser, or a certified general real property appraiser of no  
6 more than one hundred dollars;

7 (f) A temporary credentialing fee of no more than fifty dollars for  
8 a licensed residential real property appraiser, certified residential  
9 real property appraiser, or certified general real property appraiser  
10 holding a temporary credential under the act;

11 (g) An inactive credential application fee ~~for a licensed~~  
12 ~~residential real property appraiser, a certified residential real~~  
13 ~~property appraiser, or a certified general real property appraiser~~ of no  
14 more than one hundred dollars;

15 (h) An inactive credentialing fee of no more than three hundred  
16 dollars;

17 (i) A duplicate proof of credentialing fee of no more than twenty-  
18 five dollars;

19 (j) A certificate of good standing fee of no more than ten dollars;  
20 and

21 (k) A criminal history record check fee of no more than one hundred  
22 dollars.

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

25 (3) In addition to the fees set forth in this section, the board may  
26 collect and transmit to the appropriate federal authority any fees  
27 established under the provisions of the Financial Institutions Reform,  
28 Recovery, and Enforcement Act of 1989. The board may establish such fees  
29 as it deems appropriate for special examinations and other services  
30 provided by the board.

31 (4) All fees and other revenue collected pursuant to the Real

1 Property Appraiser Act shall be remitted by the board to the State  
2 Treasurer for credit to the Real Property Appraiser Fund.

3 Sec. 20. Original section 76-2217.03, Revised Statutes Cumulative  
4 Supplement, 2014, and sections 76-2202, 76-2207.13, 76-2207.14,  
5 76-2216.01, 76-2218.02, 76-2221, 76-2222, 76-2227, 76-2227.01,  
6 76-2228.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236,  
7 76-2238, and 76-2241, Revised Statutes Supplement, 2015, are repealed.

8 Sec. 21. Since an emergency exists, this act takes effect when  
9 passed and approved according to law.