

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL**

Introduced by

Read first time

Committee:

1 A BILL FOR AN ACT relating to real property; to amend sections 76-2204,  
2 76-2205, 76-2205.01, 76-2208, 76-2210, 76-2210.01, 76-2210.02,  
3 76-2211.02, 76-2212, 76-2214, 76-2215, 76-2217, 76-2218, 76-2219,  
4 76-2220, 76-2222, 76-2224, 76-2239, 76-2242, 76-2243, 76-2244,  
5 76-2245, 76-2246, 76-2247.01, 76-2248, and 76-2250, Reissue Revised  
6 Statutes of Nebraska, and sections 76-2201, 76-2202, 76-2203,  
7 76-2203.01, 76-2206, 76-2210.03, 76-2211, 76-2212.01, 76-2212.02,  
8 76-2212.03, 76-2213, 76-2213.01, 76-2216, 76-2217.03, 76-2217.04,  
9 76-2221, 76-2223, 76-2225, 76-2226, 76-2227, 76-2228, 76-2228.01,  
10 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233,  
11 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241,  
12 76-2249, 76-3202, 76-3204, 76-3208, 76-3213, and 76-3215, Revised  
13 Statutes Cumulative Supplement, 2014; to change and eliminate  
14 provisions relating to the Real Property Appraiser Act; to harmonize  
15 provisions; to repeal the original sections; and to outright repeal  
16 sections 76-2211.01 and 76-2217.01, Reissue Revised Statutes of  
17 Nebraska, and section 76-2229.01, Revised Statutes Cumulative  
18 Supplement, 2014.  
19 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2201, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 76-2201 Sections 76-2201 to 76-2250 and sections 8, 9, 10, 11, 12,  
4 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 35,  
5 36, 37, 39, 40, 42, 44, 45, 54, 64, 66, 77, and 80 of this act shall be  
6 known and may be cited as the Real Property Appraiser Act.

7 Sec. 2. Section 76-2202, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 76-2202 The Legislature finds that as a result of the enactment of  
10 the Dodd-Frank Wall Street Reform and Consumer Protection Act, as the act  
11 existed on January 1, 2015 ~~2014~~, and the Financial Institutions Reform,  
12 Recovery, and Enforcement Act of 1989, Nebraska's laws providing for  
13 regulation of real property appraisers require restructuring and updating  
14 in order to comply with such acts. Compliance with the acts is necessary  
15 to ensure an adequate number of appraisers in Nebraska to conduct  
16 appraisals of real estate involved in federally related transactions as  
17 defined in such acts.

18 Sec. 3. Section 76-2203, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 76-2203 For purposes of the Real Property Appraiser Act, the  
21 definitions found in sections 76-2203.01 to 76-2219 and sections 8, 9,  
22 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,  
23 30, 32, 35, 36, 37, 39, 40, 42, 44, and 45 of this act shall be used.

24 Sec. 4. Section 76-2203.01, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 76-2203.01 Accredited degree-awarding community college, college, or  
27 university means an institution that is approved or accredited by a  
28 regional or national accreditation association or an agency recognized by  
29 the United States Secretary of Education.

30 Sec. 5. Section 76-2204, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           76-2204 Appraisal means (1) as a noun, an opinion of value or the  
2 act or process of developing an opinion of value or (2) as an adjective,  
3 pertaining to appraising and related functions such as appraisal practice  
4 or real property appraisal activity. An appraisal must be numerically  
5 expressed as a specific amount, as a range of numbers, or as a  
6 relationship to a previous value opinion or numerical benchmark an  
7 ~~analysis, opinion, or conclusion prepared by a real property appraiser~~  
8 ~~relating to the value of specified interests in or aspects of identified~~  
9 ~~real estate or identified real property. An appraisal may be classified~~  
10 ~~by the nature of the assignment into either a valuation assignment or an~~  
11 ~~evaluation assignment.~~

12           Sec. 6. Section 76-2205, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           76-2205 Appraisal Foundation means The the Appraisal Foundation that  
15 was incorporated as an Illinois not-for-profit corporation on November  
16 30, 1987.

17           Sec. 7. Section 76-2205.01, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           76-2205.01 Appraisal practice means valuation assignments or  
20 evaluation assignments services performed by a person an individual  
21 acting as a real property an appraiser, including, but not limited to,  
22 appraisal, and appraisal review assignments , or appraisal consulting.

23           Sec. 8. Appraisal review assignment means the act or process of  
24 developing and communicating an opinion about the quality of a real  
25 property appraiser's work that was performed as part of a valuation  
26 assignment or evaluation assignment.

27           Sec. 9. Appraiser Qualifications Board means the Appraiser  
28 Qualifications Board of the Appraisal Foundation.

29           Sec. 10. Assignment means (1) an agreement between a real property  
30 appraiser or real property associate and a client to perform a valuation  
31 service or (2) the valuation service that is performed as a consequence

1 of such an agreement.

2       Sec. 11. Automated valuation model means any computerized model  
3 tool that delivers an estimation or calculation pertaining to the value  
4 of real estate.

5       Sec. 12. Section 76-2208, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       ~~76-2208~~ Board means the Real Property Appraiser Board.

8       Sec. 13. Section 76-2210, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       ~~76-2210~~ Certified general real property appraiser means a person who  
11 holds a valid credential as a certified general real property appraiser  
12 issued under the Real Property Appraiser Act.

13       Sec. 14. Section 76-2210.01, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15       ~~76-2210.01~~ Certified real property appraiser means a person who  
16 holds a valid credential as a certified general real property appraiser  
17 or a valid credential as a certified residential real property appraiser  
18 issued under the Real Property Appraiser Act.

19       Sec. 15. Section 76-2210.02, Reissue Revised Statutes of Nebraska,  
20 is amended to read:

21       ~~76-2210.02~~ Certified residential real property appraiser means a  
22 person who holds a valid credential as a certified residential real  
23 property appraiser issued under the Real Property Appraiser Act.

24       Sec. 16. Client means the person or persons who engage, by  
25 employment or contract, a real property appraiser or real property  
26 associate in a specific assignment. The client may engage and communicate  
27 with the appraiser directly or through an agent.

28       Sec. 17. Section 76-2210.03, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30       ~~76-2210.03~~ Completed application means an application for  
31 credentialing has been processed, all statutory requirements for a

1 credential to be awarded have been met by the applicant, and all required  
2 documentation is submitted to the board for final consideration.

3 Sec. 18. Section 76-2211, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 ~~76-2211~~ Complex residential real property means residential property  
6 in which the property to be appraised, the form of ownership, or the  
7 market conditions are complicated or atypical.

8 Sec. 19. Section 76-2211.02, Reissue Revised Statutes of Nebraska,  
9 is amended to read:

10 ~~76-2211.02~~ Credential means a registration, license, or certificate.

11 Sec. 20. Credential holder means (1) any person who holds a valid  
12 credential (a) as a real property associate or (b) as a trainee real  
13 property appraiser, licensed real property appraiser, certified  
14 residential real property appraiser, or certified general real property  
15 appraiser and (2) any person who holds a temporary permit to engage in  
16 real property appraisal activity within this state.

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

21 Sec. 22. Employee means any person who is employed on a permanent  
22 basis and who devotes substantially all of his or her time to performing  
23 services on behalf of an employer and whose compensation for the services  
24 is in the form of salary, or its equivalent, paid by the employer.  
25 Employee does not include an independent contractor.

26 Sec. 23. Section 76-2212, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 ~~76-2212~~ Evaluation assignment means an assignment that relates to  
29 the nature, quality, or utility of identified real estate or identified  
30 real property and ~~which~~ typically does not include an opinion of value.  
31 Evaluation assignment does not include reports prepared by experts from

1 professional disciplines other than real property appraisal such as: A  
2 soil test or soil analysis of identified real estate prepared by a civil  
3 engineer; a title opinion or zoning analysis of identified real estate  
4 prepared by a lawyer; an architectural analysis of identified improved  
5 real estate prepared by an architect; and a property management analysis  
6 of identified improved real estate prepared by a property manager or  
7 property management consultant.

8 Sec. 24. Section 76-2212.01, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 ~~76-2212.01~~ Fifteen-hour National Uniform Standards of Professional  
11 Appraisal Practice Course means the course as approved by the Appraiser  
12 Qualifications Board as of January 1, 2014, or the equivalent of the  
13 course as approved by the Real Property Appraiser Board.

14 Sec. 25. Section 76-2212.02, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 ~~76-2212.02~~ Financial Institutions Reform, Recovery, and Enforcement  
17 Act of 1989 means the act as it existed on January 1, 2014.

18 Sec. 26. Instructor means a person approved by the board that meets  
19 or exceeds the instructor requirements specified in the Real Property  
20 Appraiser Act and rules and regulations of the board and is responsible  
21 for ensuring that the education activity content is communicated to the  
22 activity's audience as presented to the board for approval, and that the  
23 education activity contributes to the quality of real property valuation  
24 services provided to the public. A person that communicates assigned  
25 materials or a portion of the education activity content under the  
26 authorization of the education provider, but is not responsible for the  
27 education activity content, is not an instructor.

28 Sec. 27. Jurisdiction means a state of the United States, the  
29 District of Columbia, Puerto Rico, the United States Virgin Islands, or  
30 any territory or insular possession subject to the jurisdiction of the  
31 United States.

1           Sec. 28. Section 76-2212.03, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           76-2212.03 Jurisdiction of practice means any jurisdiction state,  
4 ~~territory, or the District of Columbia~~ in which an appraiser devotes his  
5 or her time engaged in real property appraisal activity.

6           Sec. 29. Section 76-2213, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8           76-2213 Licensed residential real property appraiser means a person  
9 who holds a valid credential as a licensed residential real property  
10 appraiser issued under the Real Property Appraiser Act.—~~Licensed~~  
11 ~~residential real property appraiser includes persons defined as licensed~~  
12 ~~real property appraisers prior to April 15, 2010.~~

13           Sec. 30. Person means an individual or a firm, a partnership, a  
14 limited partnership, a limited liability company, an association, a  
15 corporation, or any other group engaged in joint business activities,  
16 however organized.

17           Sec. 31. Section 76-2214, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           76-2214 Real estate means a parcel or tract of land, including  
20 improvements, if any.

21           Sec. 32. Section 76-2217, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23           ~~76-2217~~ Real property means one or more defined interests, benefits,  
24 or rights inherent in the ownership of real estate.

25           Sec. 33. Section 76-2215, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           76-2215 Real property appraisal activity means any act or process  
28 involved in developing an analysis, opinion, or conclusion relating to  
29 the value of specified interests in or aspects of identified real estate  
30 or identified real property. Real property appraisal activity includes,  
31 but is not limited to, evaluation assignments, valuation assignments, and

1 ~~appraisal review assignments Real property appraisal activity means any~~  
2 ~~act or process, performed for a fee or other valuable consideration,~~  
3 ~~involved in developing an appraisal or preparing an appraisal report,~~  
4 ~~including but not limited to, a consulting service, an evaluation~~  
5 ~~assignment, or a valuation assignment.~~

6 Sec. 34. Section 76-2216, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 76-2216 Real property appraiser means a person who:

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

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

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

15 Sec. 35. Real property associate means a person who holds a valid  
16 credential as a real property associate issued under the Real Property  
17 Appraiser Act, and:

18 (1) Who performs valuation services pursuant to subsection (3) of  
19 section 54 of this act;

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

22 (3) Who offers, attempts, or agrees to perform or performs valuation  
23 services pursuant to subsection (3) of section 54 of this act.

24 Sec. 36. Section 76-2206, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 ~~76-2206 Report~~ Appraisal report means any communication, written,  
27 oral, or by electronic means, of an appraisal or appraisal review that is  
28 transmitted to the client upon completion of an assignment. Testimony  
29 related to an appraisal or appraisal review . The testimony of a real  
30 property appraiser dealing with the appraiser's analyses, conclusions, or  
31 opinions concerning identified real estate or identified real property is

1 deemed to be an oral ~~appraisal~~ report.

2       Sec. 37. Scope of work means the type and extent of research and  
3 analyses in a valuation assignment, evaluation assignment, or appraisal  
4 review assignment.

5       Sec. 38. Section 76-2217.03, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

7       76-2217.03 Signature means personalized evidence indicating  
8 authentication of the work performed by the real property appraiser and  
9 the acceptance of the responsibility for content, analyses, and the  
10 conclusions in a report.

11       Sec. 39. Specialized knowledge means an advanced level of expertise  
12 obtained through education and experience with respect to a specific  
13 subject matter, which includes an advanced understanding of the  
14 principles, practices, procedures, and methods applicable to the subject  
15 matter, as well as the ability to apply such expertise to a problem  
16 requiring an expertise that a real property appraiser could only obtain  
17 through equivalent education and experience.

18       Sec. 40. Section 76-2217.04, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20       ~~76-2217.04~~ Trainee real property appraiser means a person who holds  
21 a valid credential as a trainee real property appraiser issued under the  
22 Real Property Appraiser Act.

23       Sec. 41. Section 76-2218, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25       76-2218 (1) Two-year continuing education period, except as provided  
26 in subsections (2) and (3) of this section, means the a period of twenty-  
27 four months commencing on January 1 and completed on December 31 of the  
28 following year following the date of credentialing under the Real  
29 Property Appraiser Act and each succeeding twenty-four month period.

30       (2) In the case of new credential holders credentialed prior to July  
31 1, two-year continuing education period means the period commencing on

1 the date of initial credentialing and completed on December 31 of the  
2 following year.

3 (3) In the case of new credential holders credentialed on and after  
4 July 1, two-year continuing education period means the period of twenty-  
5 four months commencing on January 1 of the following year.

6 Sec. 42. Section 76-2213.01, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 ~~76-2213.01~~ Uniform Standards of Professional Appraisal Practice  
9 means the standards promulgated by the Appraisal Foundation as the  
10 standards existed on January 1, 2014.

11 Sec. 43. Section 76-2219, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 76-2219 Valuation assignment means:

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

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

18 Sec. 44. Valuation services means all services pertaining to  
19 aspects of property value, including services performed by both real  
20 property appraisers and real property associates.

21 Sec. 45. Workfile means documentation necessary to support a real  
22 property appraiser's analyses, opinion, and conclusions as it applies to  
23 an assignment.

24 Sec. 46. Section 76-2220, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 76-2220 (1) Except as provided in section 76-2221, it shall be  
27 unlawful for anyone to act as a real property appraiser or real property  
28 associate in this state without first obtaining proper credentialing as  
29 required under the Real Property Appraiser Act.

30 (2) Except as provided in section 76-2221, any person who, directly  
31 or indirectly for another, offers, attempts, or agrees to perform any act

1 described in section 76-2216 shall be deemed a real property appraiser  
2 and any person who, directly or indirectly for another, offers, attempts,  
3 or agrees to perform any act described in section 34 of this act shall be  
4 deemed a real property associate, within the meaning of the Real Property  
5 Appraiser Act, and such action shall constitute sufficient contact with  
6 this state for the exercise of personal jurisdiction over such person in  
7 any action arising out of such act. Committing a single act described in  
8 such sections by a person required to be credentialed under the Real  
9 Property Appraiser Act and not so credentialed shall constitute a  
10 violation of the act for which the board may impose sanctions pursuant to  
11 this section for the protection of the public health, safety, or welfare.

12 (3) The board may issue a cease and desist order against any person  
13 who violates this section by performing any action described in section  
14 76-2216 or section 34 of this act without the appropriate credential.  
15 Such order shall be final ten days after issuance unless such person  
16 requests a hearing pursuant to section 76-2240. The board may, through  
17 the Attorney General, obtain an order from the district court for the  
18 enforcement of the cease and desist order.

19 Sec. 47. Section 76-2221, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 76-2221 The Real Property Appraiser Act shall not apply to:

22 (1)(a) Any person engaged in appraisal practice in his or her  
23 capacity as an real property appraiser who is a salaried employee of (i  
24 a) the federal government, (~~ii~~ b) any agency of the state government or a  
25 political subdivision which appraises real estate, (~~iii~~ e) any insurance  
26 company authorized to do business in this state, or (~~iv~~ ¶) any bank,  
27 savings bank, savings and loan association, building and loan  
28 association, credit union, or small loan company licensed by this the  
29 state or supervised or regulated by or through federal enactments  
30 covering financial institutions, ~~except that any~~

31 (b) Any employee of the entities listed in subdivisions (i) through

1 ~~(iv) of subdivision (1)(a) of this section (a) through (d) of this~~  
2 ~~subdivision~~ who signs a ~~an appraisal~~ report as a credentialed real  
3 property appraiser shall be subject to the act and the Uniform Standards  
4 of Professional Appraisal Practice.

5 (c) Any credentialed real property appraiser who is a salaried  
6 employee of the entities listed in subdivisions (i) through (iv) of  
7 subdivision (1)(a) of this section (a) through (d) of this subdivision  
8 who does not sign a ~~an appraisal~~ report as a credentialed real property  
9 appraiser shall include the following disclosure prominently with such  
10 report: This opinion of value may not meet the minimum standards  
11 contained in the Uniform Standards of Professional Appraisal Practice and  
12 is not governed by the Real Property Appraiser Act;

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

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

21 (4) Any owner of real estate, employee of the owner, or attorney  
22 licensed to practice law in this state ~~the State of Nebraska~~ representing  
23 the owner who renders an estimate or opinion of value of the real estate  
24 or any interest in the real estate when such estimate or opinion is for  
25 the purpose of real estate taxation, or any other person who renders such  
26 an estimate or opinion of value when that estimate or opinion requires a  
27 specialized knowledge, as determined by the board, that a real property  
28 appraiser would not have, except that a real property appraiser or a  
29 person licensed under the Nebraska Real Estate License Act is not exempt  
30 under this subdivision;

31 (5) Any owner of real estate, employee of the owner, or attorney

1 licensed to practice law in this state ~~the State of Nebraska~~ representing  
2 the owner who renders an estimate or opinion of value of real estate or  
3 any interest in real estate or damages thereto when such estimate or  
4 opinion is offered as testimony in any condemnation proceeding, or any  
5 other person who renders such an estimate or opinion when that estimate  
6 or opinion requires a specialized knowledge, as determined by the board,  
7 that a real property appraiser would not have, except that a real  
8 property appraiser or a person licensed under the Nebraska Real Estate  
9 License Act is not exempt under this subdivision;

10 (6) Any owner of real estate, employee of the owner, or attorney  
11 licensed to practice law in this state ~~the State of Nebraska~~ representing  
12 the owner who renders an estimate or opinion of value of the real estate  
13 or any interest in the real estate when such estimate or opinion is  
14 offered in connection with a legal matter involving real property; ~~or~~

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

27 (8) Any elected official of this state or any political subdivision  
28 of this state who estimates the market value of defined real property  
29 while acting in his or her official capacity; or

30 (9) Automated valuation models used by any person referred to in  
31 this section, unless the output from an automated valuation model is

1 communicated as an analysis, conclusion, or opinion of value concerning  
2 identified real estate or identified real property that implies the  
3 exercise of judgment to the client, intended user, or the public.

4 Sec. 48. Section 76-2222, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 76-2222 (1) The Real Property Appraiser Board is hereby created. The  
7 board shall consist of five members. One ~~one~~ member who is a certified  
8 real property appraiser shall be selected from each of the three  
9 congressional districts, and two members shall be selected at large. The  
10 two members selected at large shall include one representative of  
11 financial institutions and one licensed real estate broker who also holds  
12 a credential as a licensed or certified real property appraiser. The  
13 Governor shall appoint the members of the board. The members shall be  
14 appointed so that the membership of the board selected from the  
15 congressional districts includes at least two certified general real  
16 property appraisers.

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

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

28 (4) Three ~~Four~~ members of the board shall constitute a quorum.

29 (5) Each member of the board shall receive a per diem of one hundred  
30 dollars per day ~~or substantial part of a day~~ (a) for each scheduled  
31 meeting of the board or a committee of the board at which the member is

1 present and (b) actually spent in traveling to and from and attending  
2 meetings and conferences of the Association of Appraiser Regulatory  
3 Officials and its committees and subcommittees or of the Appraisal  
4 Foundation and its committees and subcommittees, board committee  
5 meetings, or other business as authorized by the board.

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

10 Sec. 49. Section 76-2223, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

12 76-2223 (1) The Real Property Appraiser Board shall administer and  
13 enforce the Real Property Appraiser Act and may:

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

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

24 (c) Develop the specifications for credentialing examinations,  
25 including timing, location, and security necessary to maintain the  
26 integrity of the examinations;

27 (d) Review the procedures and criteria of a contracted testing  
28 service to ensure that the testing meets with the approval of the  
29 Appraiser Qualifications Board;

30 (e) Collect all fees required or permitted by the act. The Real  
31 Property Appraiser Board shall remit all such receipts to the State

1 Treasurer for credit to the Real Property Appraiser Fund. In addition,  
2 the board may collect and transmit to the appropriate federal authority  
3 any fees established under the Financial Institutions Reform, Recovery,  
4 and Enforcement Act of 1989;

5 (f) Establish appropriate administrative procedures for disciplinary  
6 proceedings conducted pursuant to the Real Property Appraiser Act;

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

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

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

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

27 (k) Promote research and conduct studies relating to the profession  
28 of real property appraisal, sponsor real property appraisal educational  
29 activities, and incur, collect fees for, and pay the necessary expenses  
30 in connection with activities which shall be open to all credential  
31 holders;

1 (1) Establish and adopt minimum standards for appraisals as required  
2 under section 76-2237;

3 (m) Adopt and promulgate rules and regulations to carry out the act.  
4 The rules and regulations may include provisions establishing minimum  
5 standards for education providers schools, courses, and instructors. The  
6 rules and regulations shall be adopted and promulgated pursuant to the  
7 Administrative Procedure Act; and

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

10 (2) The Real Property Appraiser Board ~~board~~ shall also administer  
11 and enforce the Nebraska Appraisal Management Company Registration Act.

12 Sec. 50. Section 76-2224, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 76-2224 In order to administer and enforce the Real Property  
15 Appraiser Act, the board may hire a director and other staff, rent office  
16 space, and acquire other facilities and equipment. The board may contract  
17 for administrative assistance, including facilities, equipment, supplies,  
18 and personnel that are required by the board to carry out its  
19 responsibilities under the act.

20 Sec. 51. Section 76-2225, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

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

30 Sec. 52. Section 76-2226, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

1           76-2226 There is hereby created the Real Property Appraiser Fund.  
2 The board may use the fund for the administration and enforcement of the  
3 Real Property Appraiser Act and to meet the necessary expenditures of the  
4 board. The fund shall include a sufficient cash fund balance as  
5 determined by the board. The expense of administering and enforcing the  
6 act shall not exceed the money collected by the board under the act.  
7 Transfers may be made from the fund to the General Fund at the direction  
8 of the Legislature. Any money in the Real Property Appraiser Fund  
9 available for investment shall be invested by the state investment  
10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
11 State Funds Investment Act.

12           Sec. 53. Section 76-2227, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14           76-2227 (1) Applications for credentials, including authorization to  
15 take the appropriate examination, and for renewal of credentials shall be  
16 made in writing to the board on forms approved by the board. The payment  
17 of the appropriate fee in an amount established ~~fixed~~ by the board  
18 pursuant to section 76-2241 shall accompany all applications.

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

22           (3) At the time of filing an initial or renewal application for  
23 credentials, the applicant shall sign a pledge that he or she has read  
24 and will comply with the Uniform Standards of Professional Appraisal  
25 Practice. Each applicant shall also certify that he or she understands  
26 the types of misconduct for which disciplinary proceedings may be  
27 initiated.

28           (4) Credentials shall be issued only to persons who have a good  
29 reputation for honesty, trustworthiness, integrity, and competence to  
30 perform assignments in such manner as to safeguard the interest of the  
31 public and only after satisfactory proof of such qualification has been

1 presented to the board upon request and a completed application has been  
2 approved.

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

6 (6 5) No credential shall be issued to a person other than an  
7 individual corporation, partnership, limited liability company, firm, or  
8 group.

9 Sec. 54. (1) To qualify for a credential as a real property  
10 associate, an applicant shall:

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

12 (b)(i)(A) Hold a high school diploma or a certificate of high school  
13 equivalency or have education acceptable to the Real Property Appraiser  
14 Board;

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

27 (C) Complete the fifteen-hour National Uniform Standards of  
28 Professional Appraisal Practice Course. The fifteen-hour course shall be  
29 taught by a Uniform Standards of Professional Appraisal Practice  
30 Instructor who is certified by the Appraiser Qualifications Board and who  
31 is a state-certified appraiser in good standing; or

1       (ii) Hold a bachelor's degree or higher in real estate from an  
2 accredited degree-awarding college or university that has had all or part  
3 of its curriculum approved by the Appraiser Qualifications Board as  
4 required core curriculum. If the degree in real estate as approved by the  
5 Appraiser Qualifications Board does not satisfy all required qualifying  
6 education for credentialing, the remaining class hours shall be completed  
7 in Real Property Appraiser Board-approved qualifying education pursuant  
8 to subdivision (1)(b)(B) of this section;

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

14       (d) Certify that his or her appraiser credential, or any other  
15 registration, license, or certification, held for any other regulatory  
16 agency or in any other jurisdiction, has not been revoked or suspended  
17 within the five-year period immediately preceding the date of  
18 application;

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

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

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

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

30       (f) Certify that no civil judicial actions, including dismissal with  
31 settlement, in connection with real estate, financial services, or in the

1 making of an appraisal have been brought against him or her within the  
2 five-year period immediately preceding the date of application;

3 (g) Demonstrate character and general fitness such as to command the  
4 confidence and trust of the public;

5 (h) 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 (i) Within the twelve months following approval of the applicant's  
14 education by the Real Property Appraiser Board, pass a licensed  
15 residential real property appraiser examination, certified residential  
16 real property appraiser examination, or certified general real property  
17 appraiser examination, approved by the Appraiser Qualifications Board,  
18 prescribed by rules and regulations of the Real Property Appraiser Board,  
19 and administered by a contracted testing service.

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

24 (3) The scope of practice of a real property associate shall be  
25 limited to valuation services not requiring a credential as a trainee  
26 real property appraiser, licensed residential real property appraiser,  
27 certified residential real property appraiser, or certified general real  
28 property appraiser under the Real Property Appraiser Act.

29 (4) A real property associate shall not advertise or hold himself or  
30 herself out to the general public as a real property appraiser.

31 Sec. 55. Section 76-2228, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 76-2228 There shall be four ~~five~~ classes of credentials issued to  
3 real property appraisers as follows:

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

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

10 (2 ~~3~~) Licensed residential real property appraiser, which  
11 classification shall consist of those persons who meet the requirements  
12 set forth in section 76-2230;

13 (~~3~~ 4) Certified residential real property appraiser, which  
14 classification shall consist of those persons who meet the requirements  
15 set forth in section 76-2231.01; and

16 (4 ~~5~~) Certified general real property appraiser, which  
17 classification shall consist of those persons who meet the requirements  
18 set forth in section 76-2232.

19 Sec. 56. Section 76-2228.01, Revised Statutes Cumulative Supplement,  
20 2014, is 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 ~~rule or regulation~~ of the Real Property Appraiser Board and  
31 complete the fifteen-hour National Uniform Standards of Professional

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

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

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

28 (e) 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 (f) 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 (g) 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 (h) 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 (i) Demonstrate character and general fitness such as to command the  
23 confidence and trust of the public; and

24 (j) 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.

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

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

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

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

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

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

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

1 subdivision (1)(d)(ii) of section 76-2230; and

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

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

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

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

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

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

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

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

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

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

1 competent to appraise.

2 Sec. 57. Section 76-2228.02, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 76-2228.02 (1) Each trainee real property appraiser's experience  
5 shall be subject to direct supervision by a supervisory appraiser. To  
6 qualify as a supervisory appraiser, a real property appraiser shall:

7 (a) Be a certified residential real property appraiser or certified  
8 general real property appraiser in good standing;

9 (b) Have held a certified real property appraiser credential for a  
10 minimum of three years immediately preceding the date of the written  
11 request for approval as supervisory appraiser;

12 (c) Have not successfully completed disciplinary action by the board  
13 or any other jurisdiction, which action limited the real property  
14 appraiser's legal eligibility to engage in real property appraisal  
15 activity within three years immediately preceding the date the written  
16 request for approval as supervisory appraiser is submitted by the  
17 applicant or trainee real property appraiser on a form approved by the  
18 board;

19 (d) As prescribed by rules and regulations ~~rule or regulation~~ of the  
20 board, have successfully completed a board-approved seven-hour  
21 supervisory appraiser and trainee course within two years immediately  
22 preceding the date the written request for approval as supervisory  
23 appraiser is submitted by the applicant or trainee real property  
24 appraiser on a form approved by the board; and

25 (e) Certify that he or she understands his or her responsibilities  
26 and obligations under the Real Property Appraiser Act as a supervisory  
27 appraiser and applies his or her signature to the written request for  
28 approval as supervisory appraiser submitted by the applicant or trainee  
29 real property appraiser.

30 (2) The supervisory appraiser shall be responsible for the training  
31 and direct supervision of the trainee real property appraiser's

1 experience by:

2 (a) Accepting responsibility for the report by applying his or her  
3 signature and certifying that the report is in compliance with the  
4 Uniform Standards of Professional Appraisal Practice;

5 (b) Reviewing the trainee real property appraiser reports; and

6 (c) Personally inspecting each appraised property with the trainee  
7 real property appraiser as is consistent with his or her scope of  
8 practice until the supervisory appraiser determines that the trainee real  
9 property appraiser is competent in accordance with the competency rule of  
10 the Uniform Standards of Professional Appraisal Practice.

11 (3) A certified real property appraiser disciplined by the board or  
12 any other appraiser regulatory agency in another jurisdiction, which  
13 discipline may or may not have limited the real property appraiser's  
14 legal eligibility to engage in real property appraisal activity, shall  
15 not be eligible as a supervisory appraiser as of the date disciplinary  
16 action was imposed against the appraiser by the board or any other  
17 appraiser regulatory agency. The certified real property appraiser shall  
18 be considered to be in good standing and eligible as a supervisory  
19 appraiser upon the successful completion of disciplinary action that does  
20 not limit the real property appraiser's legal eligibility to engage in  
21 real property appraisal activity, or three years after the successful  
22 completion of disciplinary action that limits the real property  
23 appraiser's legal eligibility to engage in real property appraisal  
24 activity.

25 (4) The trainee real property appraiser may have more than one  
26 supervisory appraiser, but a supervisory appraiser may not supervise more  
27 than three trainee real property appraisers at one time.

28 (5) As prescribed by rules and regulations ~~rule or regulation~~ of the  
29 board, an appraisal experience log shall be maintained jointly by the  
30 supervisory appraiser and the trainee real property appraiser.

31 Sec. 58. Section 76-2230, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 76-2230 (1) To qualify for a credential as a licensed residential  
3 real property appraiser, an applicant shall:

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

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

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

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

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

16 (ii) The American Association of Collegiate Registrars and  
17 Admissions Officers;

18 (iii) A foreign degree credential evaluation service company that is  
19 a member of the National Association of Credential Evaluation Services;  
20 or

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

24 (d)(i) Have successfully completed and passed examination for no  
25 fewer than one hundred fifty class hours in Real Property Appraiser  
26 Board-approved qualifying education courses as prescribed by rules and  
27 regulations ~~rule or regulation~~ of the Real Property Appraiser Board and  
28 complete the fifteen-hour National Uniform Standards of Professional  
29 Appraisal Practice Course. The fifteen-hour course shall be taught by a  
30 Uniform Standards of Professional Appraisal Practice Instructor who is  
31 certified by the Appraiser Qualifications Board and who is a state-

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

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

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

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

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

6 (h) Not have been convicted of, including a conviction based upon a  
7 plea of guilty or nolo contendere:

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

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

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

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

21 (j) Demonstrate character and general fitness such as to command the  
22 confidence and trust of the public;

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

31 (l) Within the twelve months following approval of the applicant's

1 education and experience by the Real Property Appraiser Board, pass a  
2 licensed residential real property appraiser examination, certified  
3 residential real property appraiser examination, or certified general  
4 real property appraiser examination, approved by the Appraiser  
5 Qualifications Board, prescribed by rules and regulations ~~rule or~~  
6 ~~regulation~~ of the Real Property Appraiser Board, and administered by a  
7 contracted testing service.

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

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

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

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

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

29 (b) Successfully complete and pass examination for no fewer than  
30 fifty additional class hours in board-approved qualifying education  
31 courses as prescribed by rules and regulations ~~rule or regulation~~ of the

1 board, or hold a bachelor's degree in real estate from an accredited  
2 degree-awarding college or university pursuant to subdivision (1)(d)(ii)  
3 of section 76-2231.01; and

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

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

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

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

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

18 (5) An appraiser holding a valid licensed residential real property  
19 appraiser credential shall satisfy the requirements for the trainee real  
20 property appraiser credential for a downgraded credential.

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

30 Sec. 59. Section 76-2231.01, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

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

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

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

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

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

9           (ii) The American Association of Collegiate Registrars and  
10 Admissions Officers;

11           (iii) A foreign degree credential evaluation service company that is  
12 a member of the National Association of Credential Evaluation Services;  
13 or

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

17           (d)(i) Have successfully completed and passed examination for no  
18 fewer than two hundred class hours in Real Property Appraiser Board-  
19 approved qualifying education courses as prescribed by rules and  
20 regulations ~~rule or regulation~~ of the Real Property Appraiser Board and  
21 completed the fifteen-hour National Uniform Standards of Professional  
22 Appraisal Practice Course. The fifteen-hour course shall be taught by a  
23 Uniform Standards of Professional Appraisal Practice Instructor who is  
24 certified by the Appraiser Qualifications Board and who is a state-  
25 certified appraiser in good standing. The qualifying education courses  
26 shall be conducted by an accredited degree-awarding community college,  
27 college, or university, an appraisal society, institute, or association,  
28 a state or federal agency or commission, a proprietary school, or such  
29 other education ~~educational~~ provider as may be approved by the Real  
30 Property Appraiser Board, and shall be, at a minimum, fifteen class hours  
31 in length. Each course shall be conducted in a classroom and not online

1 or by correspondence. Each course shall include a closed-book examination  
2 pertinent to the material presented; or

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

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

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

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

30 (h) Not have been convicted of, including a conviction based upon a  
31 plea of guilty or nolo contendere:

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

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

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

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

14 (j) Demonstrate character and general fitness such as to command the  
15 confidence and trust of the public;

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

24 (1) Within the twelve months following approval of the applicant's  
25 education and experience by the Real Property Appraiser Board, pass a  
26 certified residential real property appraiser examination or certified  
27 general real property appraiser examination, approved by the Appraiser  
28 Qualifications Board, prescribed by rules and regulations ~~rule or~~  
29 ~~regulation~~ of the Real Property Appraiser Board, and administered by a  
30 contracted testing service.

31 (2) To qualify for an upgraded credential, a certified residential

1 real property appraiser shall satisfy the following requirements:

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

17 (3) To qualify for a credential as a certified general real property  
18 appraiser, a certified residential 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 one  
22 hundred additional class hours in board-approved qualifying education  
23 courses as prescribed by rules and regulations ~~rule or regulation~~ of the  
24 board, or hold a bachelor's degree in real estate from an accredited  
25 degree-awarding college or university pursuant to subdivision (1)(d)(ii)  
26 of section 76-2232; and

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

29 (4) An appraiser holding a valid certified residential real property  
30 appraiser credential shall satisfy the requirements for the trainee real  
31 property appraiser credential and licensed residential real property

1 appraiser credential for a downgraded credential. If requested, evidence  
2 acceptable to the Real Property Appraiser Board concerning the experience  
3 shall be presented along with an application in the form of written  
4 reports or file memoranda.

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

12 Sec. 60. Section 76-2232, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 76-2232 (1) To qualify for a credential as a certified general real  
15 property appraiser, an applicant shall:

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

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

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

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

22 (ii) The American Association of Collegiate Registrars and  
23 Admissions Officers;

24 (iii) A foreign degree credential evaluation service company that is  
25 a member of the National Association of Credential Evaluation Services;  
26 or

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

30 (d)(i) Have successfully completed and passed examination for no  
31 fewer than three hundred class hours in Real Property Appraiser Board-

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

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

24 (e) Have no fewer than three thousand hours of experience, of which  
25 one thousand five hundred hours shall be in nonresidential appraisal  
26 work, as prescribed by rules and regulations ~~rule or regulation~~ of the  
27 Real Property Appraiser Board. The required experience shall be  
28 acceptable to the Real Property Appraiser Board and subject to review and  
29 determination as to conformity with the Uniform Standards of Professional  
30 Appraisal Practice. The experience shall have occurred during a period of  
31 no fewer than thirty months. If requested, evidence acceptable to the

1 Real Property Appraiser Board concerning the experience shall be  
2 presented by the applicant in the form of written reports or file  
3 memoranda;

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

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

14 (h) Not have been convicted of, including a conviction based upon a  
15 plea of guilty or nolo contendere:

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

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

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

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

29 (j) Demonstrate character and general fitness such as to command the  
30 confidence and trust of the public;

31 (k) Submit two copies of legible ink-rolled fingerprint cards or

1 equivalent electronic fingerprint submissions to the Real Property  
2 Appraiser Board for delivery to the Nebraska State Patrol in a form  
3 approved by both the Nebraska State Patrol and the Federal Bureau of  
4 Investigation. A fingerprint-based national criminal history record check  
5 shall be conducted through the Nebraska State Patrol and the Federal  
6 Bureau of Investigation with such record check to be carried out by the  
7 Real Property Appraiser Board; and

8 (1) Within the twelve months following approval of the applicant's  
9 education and experience by the Real Property Appraiser Board, pass a  
10 certified general real property appraiser examination, approved by the  
11 Appraiser Qualifications Board, prescribed by rules and regulations ~~rule~~  
12 ~~or regulation~~ of the Real Property Appraiser Board, and administered by a  
13 contracted testing service.

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

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

25 Sec. 61. Section 76-2233, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 76-2233 (1) A person ~~An individual~~ currently credentialed to  
28 appraise real estate and real property under the laws of another  
29 jurisdiction may obtain a credential as a licensed residential real  
30 property appraiser, a certified residential real property appraiser, or a  
31 certified general real property appraiser by complying with all of the

1 provisions of the Real Property Appraiser Act relating to the appropriate  
2 classification of credentialing.

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

10 (3) To qualify for reciprocal credentialing, the applicant shall:

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

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

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

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

31 (e) Not have been convicted of, including a conviction based upon a

1 plea of guilty or nolo contendere:

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

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

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

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

15 (g) Demonstrate character and general fitness such as to command the  
16 confidence and trust of the public;

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

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

30 (j) Comply with such other terms and conditions as may be determined  
31 by the board.

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

6 Sec. 62. Section 76-2233.01, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

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

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

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

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

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

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

31 (e ~~4~~) Certify that disciplinary proceedings are not pending against

1 the applicant in the ~~applicant's state of domicile or in any~~  
2 jurisdiction, other jurisdiction or state the nature of any pending  
3 disciplinary proceedings; and

4 (f 5) Pay the appropriate an application fee in an amount  
5 established by the board pursuant to section 76-2241.

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

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

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

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

1 shall be deemed a real property appraiser within the meaning of the act.

2 Sec. 63. Section 76-2233.02, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 76-2233.02 (1) A credential issued under the Real Property Appraiser  
5 Act other than a temporary credential shall remain in effect until  
6 December 31 of the designated year unless surrendered, revoked,  
7 suspended, or canceled prior to such date. To renew a valid credential,  
8 the credential holder shall file an application on a form approved by the  
9 board and pay the appropriate prescribed renewal fee in an amount  
10 established by the board pursuant to section 76-2241. The credential  
11 holder shall also pay the and a criminal history record check fee in an  
12 amount established by the board pursuant to section 76-2241 for  
13 maintenance of the random fingerprint audit program to the board not  
14 later than November 30 of the designated year. A credential may be  
15 renewed for one year or two years. In every second year of the two-year  
16 continuing education period renewal, as specified in section 76-2236,  
17 evidence of completion of continuing education requirements shall  
18 accompany renewal application or be on file with the board prior to  
19 renewal.

20 (2) The board shall establish a number of credential holders to be  
21 selected at random to submit, along with the application for renewal, two  
22 copies of legible ink-rolled fingerprint cards or equivalent electronic  
23 fingerprint submissions to the board for delivery to the Nebraska State  
24 Patrol in a form approved by both the Nebraska State Patrol and the  
25 Federal Bureau of Investigation. A fingerprint-based national criminal  
26 history record check shall be conducted through the Nebraska State Patrol  
27 and the Federal Bureau of Investigation with such record check to be  
28 carried out by the board.

29 (3) If a credential holder fails to apply and meet the requirements  
30 for renewal by November 30 of the designated year, such credential holder  
31 may obtain a renewal of such credential by satisfying all of the

1 requirements for renewal and paying the appropriate a late processing fee  
2 in an amount established by the board pursuant to section 76-2241 if such  
3 late renewal takes place prior to July 1 of the following year. A  
4 credential holder selected at random to submit fingerprint cards or  
5 equivalent electronic fingerprints that has applied and met all other  
6 requirements for renewal prior to November 30 of the designated year  
7 shall not pay a late processing fee if fingerprint cards or equivalent  
8 electronic fingerprints are received prior to November 30 of the  
9 designated year. If a credential holder that first obtained his or her  
10 credential at the current level on or after November 1 fails to apply and  
11 meet the requirements for renewal by December 31 of the designated year,  
12 such credential holder may obtain a renewal of such credential by  
13 satisfying all the requirements for renewal and paying a late processing  
14 fee if such late renewal takes place prior to July 1 of the following  
15 year. The board may refuse to renew any credential if the credential  
16 holder has continued to perform real property appraisal activities or  
17 other related activities in this state following the expiration of his or  
18 her credential. If a credential is not renewed prior to July 1, a  
19 credential holder shall reapply for credentialing and meet the current  
20 requirements in place at the time of application, except as provided in  
21 section 64 of this act.

22       Sec. 64. (1) A credential holder may request that his or her  
23 credential be placed on inactive status for a period not to exceed two  
24 years. Such requests shall be submitted to the board on an application  
25 form prescribed by the board. The payment of the appropriate fee in an  
26 amount established by the board pursuant to section 76-2241 shall  
27 accompany all applications for requests of inactive status.

28       (2) A credential holder whose credential is placed on inactive  
29 status shall not:

30       (a) Assume or use any title designation or abbreviation likely to  
31 create the impression that such person holds an active credential issued

1 by the board; or

2 (b) Engage in appraisal practice or real property appraisal  
3 activity, or act as a credentialed real property appraiser or real  
4 property associate.

5 (3) A credential holder whose credential is placed on inactive  
6 status may make a request to the board that such credential be reinstated  
7 to active status on an application form prescribed by the board. The  
8 payment of the appropriate fee in an amount established by the board  
9 pursuant to section 76-2241 shall accompany all applications for  
10 reinstatement of a credential.

11 (4) A credential holder's application for reinstatement shall  
12 include evidence that he or she has met the continuing education  
13 requirements as specified in section 76-2236 while the credential was on  
14 inactive status.

15 (5) If a credential holder's credential expires during the inactive  
16 period, an application for renewal of the credential shall accompany the  
17 application for reinstatement. All requirements for renewal specified in  
18 section 76-2233.02 shall be met, except for the requirement to pay a late  
19 processing fee for applications received after November 30 of the  
20 designated year.

21 (6) If a credential holder fails to reinstate his or her credential  
22 to active status prior to the completion of the two-year period, his or  
23 her credential will return to the status as if the credential was not  
24 placed in an inactive status. If a credential holder's credential is  
25 expired at the completion of the two-year period, the credential holder  
26 shall reapply for credentialing and meet the current requirements in  
27 place at the time of application.

28 Sec. 65. Section 76-2236, Revised Statutes Cumulative Supplement,  
29 2014, is 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 ~~rule or regulation~~ of the  
19 ~~board Real Property Appraiser Board~~ and at least once every two years,  
20 the seven-hour National Uniform Standards of Professional Appraisal  
21 Practice Update Course as approved by the Appraiser Qualifications Board  
22 as of January 1, 2014, or the equivalent of the course as approved by the  
23 ~~board Real Property Appraiser Board~~, shall be included in the continuing  
24 education requirement of each credential holder. The seven-hour National  
25 Uniform 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, 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 ~~rule or regulation~~ of the  
5 board and at least once every four years, but not more than every two  
6 years, a seven-hour report writing update course, as approved by the  
7 board, shall be included in the continuing education requirement of each  
8 credential holder. The seven-hour report writing update course shall be  
9 taken in a classroom and not online or by correspondence.

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

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

21 (~~7~~ 5) No more than fourteen hours may be approved by the board as  
22 continuing education in each two-year continuing education period for  
23 participation, other than as a student, in appraisal educational  
24 processes and programs, which includes teaching, program development,  
25 authorship of textbooks, or similar activities that are determined by the  
26 board to be equivalent to obtaining continuing education. Evidence of  
27 participation shall be submitted to the board upon completion of the  
28 appraisal educational process or program. No preapproval will be granted  
29 for participation in appraisal educational processes or programs.

30 (~~8~~ 6) Qualifying education, as approved by the board, successfully  
31 completed by a credential holder to fulfill the class-hour requirement to

1 upgrade to a higher classification than his or her current  
2 classification, shall be approved by the board as continuing education.

3 (9 7) Qualifying education, as approved by the board, taken by a  
4 credential holder not to fulfill the class-hour requirement to upgrade to  
5 a higher classification, shall be approved by the board as continuing  
6 education if the credential holder completes the examination.

7 (10 8) A board-approved seven-hour supervisory appraiser and trainee  
8 course successfully completed by a certified real property appraiser for  
9 approval as a supervisory appraiser shall be approved by the board as  
10 continuing education no more than once during each two-year continuing  
11 education period.

12 (11 9) The Real Property Appraiser Board shall approve continuing  
13 education activities and instructors which it determines would protect  
14 the public by improving the competency of credential holders. ~~Evidence of~~  
15 ~~completion of such continuing education activities for the two-year~~  
16 ~~continuing education period may be submitted to the board as each~~  
17 ~~activity is completed. A person who holds a temporary or reciprocal~~  
18 ~~credential shall not have to meet any continuing education requirements~~  
19 ~~in this state.~~

20 Sec. 66. Section 76-2229, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 ~~76-2229~~ (1)(a) No person other than a ~~registered~~ real property  
23 associate appraiser shall assume or use the title ~~registered~~ real  
24 property associate appraiser or any title, designation, or abbreviation  
25 likely to create the impression of credentialing as a ~~registered~~ real  
26 property associate appraiser by this state.

27 (b) No person other than a licensed residential real property  
28 appraiser shall assume or use the title licensed residential real  
29 property appraiser or any title, designation, or abbreviation likely to  
30 create the impression of credentialing as a licensed residential real  
31 property appraiser by this state.

1           (c) No person other than a certified residential real property  
2 appraiser shall assume or use the title certified residential real  
3 property appraiser or any title, designation, or abbreviation likely to  
4 create the impression of credentialing as a certified residential real  
5 property appraiser by this state.

6           (d) No person other than a certified general real property appraiser  
7 shall assume or use the title certified general real property appraiser  
8 or any title, designation, or abbreviation likely to create the  
9 impression of credentialing as a certified general real property  
10 appraiser by this state.

11           (e) No person other than a trainee real property appraiser shall  
12 assume or use the title trainee real property appraiser or any title,  
13 designation, or abbreviation likely to create the impression of  
14 credentialing as a trainee real property appraiser by this state.

15           (2) A real property appraiser shall state whether he or she is a  
16 ~~registered real property appraiser~~, licensed residential real property  
17 appraiser, certified residential real property appraiser, certified  
18 general real property appraiser, or trainee real property appraiser, and  
19 include his or her board-issued credential number whenever he or she  
20 identifies himself or herself as a real property appraiser, including on  
21 all reports which are signed individually or as cosigner.

22           (3 2) The terms real property associate ~~registered real property~~  
23 ~~appraiser~~, licensed residential real property appraiser, certified  
24 residential real property appraiser, certified general real property  
25 appraiser, and trainee real property appraiser may only be used to refer  
26 to a person who is credentialed as such under the Real Property Appraiser  
27 Act and may not be used following or immediately in connection with the  
28 name or signature of a corporation, partnership, limited partnership,  
29 limited liability company, firm, or group or in such manner that it might  
30 be interpreted as referring to a corporation, partnership, limited  
31 partnership, limited liability company, firm, or group or to anyone other

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

8 Sec. 67. Section 76-2237, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 76-2237 Each credential holder shall comply with the Uniform  
11 Standards of Professional Appraisal Practice. The board ~~may shall~~ adopt  
12 and promulgate rules and regulations ~~which conform~~ to assist in the  
13 enforcement of the Uniform Standards of Professional Appraisal Practice.  
14 ~~The board shall review such rules and regulations annually. A copy of~~  
15 ~~each such rule or regulation shall be transmitted electronically to each~~  
16 ~~credential holder and shall be made available on the board's web site.~~

17 Sec. 68. Section 76-2238, Revised Statutes Cumulative Supplement,  
18 2014, is 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 ~~Failing~~ to meet the minimum qualifications for  
22 credentialing established by or pursuant to the Real Property Appraiser  
23 Act;

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

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

1 (4) An act or omission involving real estate or appraisal practice  
2 which constitutes dishonesty, fraud, or misrepresentation with or without  
3 the intent to substantially benefit the credential holder or another  
4 person or with the intent to substantially injure another person;

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

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

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

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

18 (9) Performing services as a credentialed real property appraiser or  
19 a credentialed real property associate ~~Engaging in the business of real~~  
20 ~~property appraising~~ under an assumed or fictitious name;

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

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

28 (12) Any violation of the act or any rules and regulations ~~rule or~~  
29 ~~regulation~~ adopted and promulgated pursuant to the act;

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

1 assignments or valuation assignments;

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

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

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

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

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

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

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

29 (21) Failure to report disciplinary action taken against an  
30 appraisal credential, or any other registration, license, or  
31 certification held for any other regulatory agency or in any other

1 jurisdiction within sixty days of receiving notice of such disciplinary  
2 action;

3 (22 20) Failure to comply with terms of a consent agreement or  
4 settlement agreement;

5 (23 21) Failure to submit or produce books, records, documents,  
6 workfiles ~~work files~~, ~~appraisal~~ reports, or other materials requested by  
7 the board concerning any matter under investigation;

8 (24 22) Failure of an education ~~educational~~ provider to produce  
9 records, documents, reports, or other materials, including, but not  
10 limited to, required student attendance reports, to the board;

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

19 (26 23) Presentation to the board of any check which is returned to  
20 the State Treasurer unpaid, whether payment of fee is for an initial or  
21 renewal credential or for examination; and

22 (27 24) Failure to pass the examination.

23 Sec. 69. Section 76-2239, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 76-2239 (1) The board may, upon its own motion, and shall, upon the  
26 written complaint of any aggrieved person, cause an investigation to be  
27 made with respect to an alleged violation of the Real Property Appraiser  
28 Act by any credential holder or applicant for credentialing under the  
29 aet. The board may revoke or suspend the credential or otherwise  
30 discipline a credential holder, revoke or suspend a qualifying or  
31 continuing education course or activity, or deny any application, or

1 issue a cease and desist order for any violation of the Real Property  
2 Appraiser Act. Any disciplinary action taken against a credentialed real  
3 property appraiser, including any action that limits a credentialed real  
4 property appraiser's ability to practice, shall be reported to federal  
5 authorities as required by Title XI of the Financial Institutions Reform,  
6 Recovery, and Enforcement Act of 1989 of the acts or omissions set forth  
7 in section 76-2238. Violation of the act or the rules and regulations  
8 during a period of probation shall cause immediate execution of a  
9 suspension penalty. Upon receipt of information indicating that a person  
10 credential holder may have violated any provision of the act, the board  
11 shall make an investigation of the facts to determine whether or not  
12 there is evidence of a violation. If technical assistance is required,  
13 the board may contract with or use qualified persons individuals or  
14 companies.

15 (2)(a) If an investigation indicates that a person credential holder  
16 may have violated a provision of the act, the board may offer the person  
17 credential holder an opportunity to voluntarily and informally discuss  
18 the alleged violation before the board; . The board may enter into  
19 consent agreements or negotiate settlements.

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

26 (c) If an investigation indicates that a credential holder has  
27 violated a provision of the act, a formal complaint shall be prepared by  
28 the board and served upon the credential holder. The complaint shall  
29 require the credential holder to file an answer within thirty days of the  
30 date of service. In responding to a complaint, the credential holder may  
31 admit the allegations of the complaint, deny the allegations of the

1 complaint, or plead otherwise. Failure to make a timely response shall be  
2 deemed an admission of the allegations of the complaint. Upon receipt of  
3 an answer to the complaint, the director or chairperson of the board  
4 shall set a date, time, and place for an administrative hearing on the  
5 complaint. The date of the hearing shall not be less than thirty nor more  
6 than one hundred twenty days from the date that the answer is filed  
7 unless such date is extended for good cause.

8 Sec. 70. Section 76-2240, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 76-2240 (1) The administrative hearing on the allegations in the  
11 complaint filed pursuant to section 76-2239 shall be heard by a hearing  
12 officer at the time and place prescribed by the board and in accordance  
13 with the Administrative Procedure Act. If, at the conclusion of the  
14 hearing, the hearing officer determines that the credential holder is  
15 guilty of the violation, the board shall take such disciplinary action as  
16 the board deems appropriate. Disciplinary actions which may be taken  
17 shall include, but not be limited to, revocation, suspension, probation,  
18 admonishment, letter of reprimand, and formal censure, with publication,  
19 of the credential holder and may or may not include an education  
20 requirement. Costs incurred for an administrative hearing, including fees  
21 of counsel, the hearing officer, court reporters, investigators, and  
22 witnesses, shall be taxed as costs in such action as the board may  
23 direct.

24 (2) The decision and order of the board shall be final. Any decision  
25 or order of the board may be appealed. The appeal shall be on questions  
26 of law only and otherwise shall be in accordance with the Administrative  
27 Procedure Act.

28 Sec. 71. Section 76-2241, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 76-2241 (1) The board shall charge and collect appropriate fees for  
31 its services under the Real Property Appraiser Act as follows:

1           (a ~~1~~) A credential ~~An~~ application fee of no more than one hundred  
2 fifty dollars;

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

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

8           (d ~~4~~) A late processing fee of no more than twenty-five dollars for  
9 each month or portion of a month the fee is late;

10          (e ~~5~~) A temporary credential application fee for a licensed  
11 residential real property appraiser, a certified residential real  
12 property appraiser, or a certified general real property appraiser of no  
13 more than one hundred dollars;

14          (f ~~6~~) A temporary credentialing ~~packet-card~~ fee of no more than  
15 fifty dollars for a licensed residential real property appraiser,  
16 certified residential real property appraiser, or certified general real  
17 property appraiser holding a temporary credential under the act; ~~and~~

18          (g) An inactive credential application fee for a licensed  
19 residential real property appraiser, a certified residential real  
20 property appraiser, or a certified general real property appraiser of no  
21 more than one hundred dollars;

22          (h) An inactive credentialing fee of no more than three hundred  
23 dollars;

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

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

28          (k ~~7~~) A criminal history record check fee of no more than one  
29 hundred dollars.

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

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

7       (4) All fees and other revenue collected pursuant to the Real  
8 Property Appraiser Act shall be remitted by the board to the State  
9 Treasurer for credit to the Real Property Appraiser Fund.

10       Sec. 72. Section 76-2242, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12       76-2242 (1) The board shall provide to each credential holder proof  
13 that such person has been credentialed under the Real Property Appraiser  
14 Act for the classification requirements set forth in the act. The board  
15 ~~may shall~~ also issue a credentialing pocket card in such size and form as  
16 it may approve.

17       (2) The board may, upon payment of the appropriate fee in an amount  
18 established by the board pursuant to section 76-2241, issue duplicate  
19 proof that such person has been credentialed under the act.

20       ~~(2) Each credential issued under the act shall designate the~~  
21 ~~principal place of business of the credential holder.~~

22       ~~(3) Proof of credentialing and pocket cards issued by the board~~  
23 ~~shall remain the property of the state, and upon surrender, cancellation,~~  
24 ~~suspension, or revocation, any person holding the documents shall~~  
25 ~~immediately return such documents to the board.~~

26       Sec. 73. Section 76-2243, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28       76-2243 Nothing contained in the Real Property Appraiser Act shall  
29 be deemed to prohibit any credential holder under the act from engaging  
30 in appraisal practice ~~the practice of real property appraising~~ as a  
31 professional corporation in accordance with the Nebraska Professional

1 Corporation Act.

2 Sec. 74. Section 76-2244, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 76-2244 Each ~~resident~~ credential holder shall designate in the  
5 manner prescribed by the board ~~and maintain~~ a principal place of business  
6 ~~and shall conspicuously display his or her proof of credentialing in such~~  
7 ~~place of business.~~ Upon any change of his or her principal place of  
8 business, a ~~resident or nonresident~~ credential holder shall promptly give  
9 notice thereof in writing to the board and the board shall issue a new  
10 proof of credentialing for the unexpired term. ~~A nonresident shall not be~~  
11 ~~required to maintain a place of business in this state if he or she~~  
12 ~~maintains an active place of business in his or her place of domicile.~~

13 Sec. 75. Section 76-2245, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 76-2245 No person engaged in real property appraisal activities in  
16 this state or acting in the capacity of a real property appraiser or real  
17 property associate in this state may bring or maintain any action in any  
18 court of this state to collect compensation for the performance of  
19 valuation services ~~real property appraisal activities~~ for which  
20 credentialing is required by the Real Property Appraiser Act without  
21 alleging and proving that he or she was duly credentialed under the act  
22 in this state at all times during the performance of such services  
23 activities.

24 Sec. 76. Section 76-2246, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 76-2246 Any person required to be credentialed by the Real Property  
27 Appraiser Act who engages in real property appraisal activity or who  
28 advertises or holds himself or herself out to the general public as a  
29 real property appraiser or real property associate in this state without  
30 obtaining proper credentialing under the act shall be guilty of a Class  
31 III misdemeanor and shall be ineligible to apply for credentialing under

1 the act for a period of one year from the date of his or her conviction  
2 of such offense. The board may, in its discretion, credential such person  
3 within such one-year period upon application and after an administrative  
4 hearing.

5 Sec. 77. (1) No person shall improperly influence or attempt to  
6 improperly influence, through coercion, extortion, or bribery, the  
7 independent judgment of a real property appraiser or real property  
8 associate or the development, reporting, result, or review of a real  
9 property appraisal.

10 (2) Requesting that a real property appraiser or real property  
11 associate consider the following is not prohibited:

12 (a) Examine additional, appropriate property information;

13 (b) Provide further detail, substantiation, or explanation for the  
14 real property appraiser's or real property associate's value conclusion;  
15 or

16 (c) Correct technical errors in the report.

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

19 Sec. 78. Section 76-2247.01, Reissue Revised Statutes of Nebraska,  
20 is amended to read:

21 76-2247.01 (1) A person may retain or employ a real property  
22 appraiser or real property associate credentialed under the Real Property  
23 Appraiser Act to perform valuation ~~provide appraisal~~ services, ~~including,~~  
24 ~~but not limited to,~~ valuation assignments and consulting services. In  
25 each case, the valuation services, including any appraisal, appraisal  
26 review, and the appraisal report shall comply with the Real Property  
27 Appraiser Act and the Uniform Standards of Professional Appraisal  
28 Practice.

29 (2) In a valuation assignment, the real property appraiser shall  
30 remain an impartial, disinterested third party. When providing an  
31 evaluation assignment ~~a consulting service,~~ the real property appraiser

1 may respond ~~complete the evaluation assignment in a manner that responds~~  
2 to a client's stated objective but shall also remain an impartial,  
3 disinterested third party. ~~Compensation of a real property appraiser for~~  
4 ~~either a valuation assignment or consulting service shall not be~~  
5 ~~contingent upon the real property appraiser reporting a predetermined~~  
6 ~~analysis, opinion, or conclusion reached or upon the results achieved.~~

7 Sec. 79. Section 76-2248, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 76-2248 At the request of the board, the Attorney General shall  
10 render to the board an opinion with respect to all questions of law  
11 arising in connection with the administration of the Real Property  
12 Appraiser Act and shall act as attorney for the board in all actions and  
13 proceedings brought by or against the board under or pursuant to the act.  
14 All fees and expenses of the Attorney General arising out of such duties  
15 shall be paid out of the Real Property Appraiser Fund. The Attorney  
16 General may appoint special counsel to prosecute such action, and all  
17 fees and expenses of such counsel allowed shall be taxed as costs in the  
18 action as the court may direct.

19 Sec. 80. Whenever, in the judgment of the board, any person has  
20 engaged or is about to engage in any acts or practices which constitute  
21 or will constitute a violation of the Real Property Appraiser Act, the  
22 Attorney General may maintain an action in the name of the State of  
23 Nebraska, in the district court of the county in which such violation or  
24 threatened violation occurred, to abate and temporarily and permanently  
25 enjoin such acts and practices and to enforce compliance with the act.  
26 The plaintiff shall not be required to give any bond nor shall any court  
27 costs be adjudged against the plaintiff.

28 Sec. 81. Section 76-2249, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 76-2249 (1) The board may prepare a ~~printed~~ directory showing the  
31 name and place of business of credential holders under the Real Property

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

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

17 Sec. 82. Section 76-2250, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 76-2250 The board may, upon payment of the appropriate a fee in an  
20 amount established by the board pursuant to section 76-2241  ~~specified in~~  
21  ~~its rules and regulations~~, issue a certificate of good standing to any  
22 credential holder under the Real Property Appraiser Act who is in good  
23 standing in this state.

24 Sec. 83. Section 76-3202, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 76-3202 For purposes of the Nebraska Appraisal Management Company  
27 Registration Act:

- 28 (1) Appraisal has the same meaning as in section 76-2204;  
29 (2) Appraisal Foundation has the same meaning as in section 76-2205;  
30 (3) Appraisal management company means, in connection with valuing  
31 real property collateralizing mortgage loans, mortgages, or trust deeds

1 incorporated into a securitization, any external third party that  
2 oversees a network or panel of more than fifteen certified or licensed  
3 appraisers in this state or twenty-five or more certified or licensed  
4 appraisers nationally within a given year and that is authorized, either  
5 by a creditor of a consumer credit transaction secured by a consumer's  
6 principal dwelling or by an underwriter of or other principal in the  
7 secondary mortgage markets:

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

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

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

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

18 (4) Appraisal practice has the same meaning as in section  
19 76-2205.01;

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

21 (5 6) Appraisal review means the act or process of developing and  
22 communicating an opinion about the quality of another appraiser's work  
23 that was performed as part of a real property appraisal activity, except  
24 that a quality control examination of a ~~an appraisal~~ report shall not be  
25 an appraisal review;

26 (6 7) Appraisal services means residential valuation assignments  
27 performed by an individual acting as an appraiser, including, but not  
28 limited to, appraisal, or appraisal review, ~~or consulting services~~;

29 (7 8) Appraiser means an individual who holds a license or  
30 certification as an appraiser and is expected to perform valuation  
31 assignments competently and in a manner that is independent, impartial,

1 and objective;

2 (8 9) Appraiser panel means a group of licensed or certified  
3 independent appraisers that have been selected to perform appraisal  
4 services for a third party;

5 (9 10) Board means the Real Property Appraiser Board;

6 ~~(11) Consulting service has the same meaning as in section~~  
7 ~~76-2211.01;~~

8 (10 12) Controlling person means:

9 (a) An officer or director of, or owner of greater than a ten  
10 percent interest in, a corporation, partnership, or other business entity  
11 seeking to act or acting as an appraisal management company in this  
12 state;

13 (b) An individual employed, appointed, or authorized by an appraisal  
14 management company that has the authority to enter into a contractual  
15 relationship with other persons for the performance of services requiring  
16 registration as an appraisal management company and that has the  
17 authority to enter into agreements with appraisers for the performance of  
18 appraisals; or

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

22 (11 13) Federal financial institution regulatory agency means the  
23 Board of Governors of the Federal Reserve System, the Federal Deposit  
24 Insurance Corporation, the Office of the Comptroller of the Currency, the  
25 Office of Thrift Supervision, the National Credit Union Administration,  
26 or the successor of any of such agencies;

27 (12 14) Federally related transaction means any real estate-related  
28 financial transaction which:

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

31 (b) Requires the services of an appraiser;

1           (~~13 15~~) Owned and controlled means direct or indirect ownership or  
2 control of more than twenty-five percent of the voting shares of an  
3 appraisal management company;

4           (~~14 16~~) Person means an individual, firm, partnership, limited  
5 partnership, limited liability company, association, corporation, or  
6 other group engaged in joint business activities, however organized;

7           (~~15 17~~) Quality control examination means an examination of ~~a~~ ~~an~~  
8 ~~appraisal~~ report for compliance and completeness, including grammatical,  
9 typographical, or other similar errors;

10           (~~16 18~~) Real estate has the same meaning as in section 76-2214;

11           (~~17 19~~) Real estate-related financial transaction means any  
12 transaction involving:

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

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

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

19           (~~18 20~~) Real property has the same meaning as in section 31 of this  
20 act 76-2217;

21           (~~19 21~~) Real property appraisal activity has the same meaning as in  
22 section 76-2215;

23           (~~20 22~~) Relocation management company means a business entity in  
24 which the preponderance of its business services include relocation of  
25 employees as an agent or contracted service provider to the employer for  
26 the purposes of determining an anticipated sales price for the residence  
27 of an employee being relocated by the employer;

28           (~~21~~) Report has the same meaning as in section 35 of this act;

29           (~~22 23~~) Uniform Standards of Professional Appraisal Practice has the  
30 same meaning as in section 42 of this act 76-2213.01; and

31           (~~23 24~~) Valuation assignment has the same meaning as in section

1 76-2219.

2 Sec. 84. Section 76-3204, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 76-3204 The Nebraska Appraisal Management Company Registration Act  
5 does not apply to:

6 (1) A person that exclusively employs persons for the performance of  
7 appraisal services. The employer is responsible for ensuring that the  
8 appraisal services are performed by employees in accordance with the  
9 Uniform Standards of Professional Appraisal Practice;

10 (2) An appraisal management company that is owned and controlled by  
11 a financial institution regulated by a federal financial institution  
12 regulatory agency;

13 (3) An appraiser that enters into an agreement, written or oral,  
14 with an appraiser for the performance of appraisal services if upon the  
15 completion of the appraisal services the appraisal report is signed by  
16 both the appraiser who completed the appraisal services and the appraiser  
17 who requested the appraisal services; or

18 (4) A relocation management company.

19 Sec. 85. Section 76-3208, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 76-3208 An appraisal management company that applies to the board  
22 for a registration to do business in this state as an appraisal  
23 management company shall not:

24 (1) Knowingly employ any individual to perform appraisal services  
25 who has had a license or certificate to act as an appraiser in this state  
26 or in any other state refused, denied, canceled, surrendered in lieu of  
27 revocation, or revoked;

28 (2) Knowingly enter into any independent contractor arrangement to  
29 perform appraisal services, whether in verbal, written, or other form,  
30 with any individual who has had a license or certificate to act as an  
31 appraiser in this state or in any other state refused, denied, canceled,

1 surrendered in lieu of revocation, or revoked; or

2 (3) Knowingly prohibit an appraiser from including within the body  
3 of an appraisal report that is submitted by the appraiser to the  
4 appraisal management company or its assignee the fee that the appraiser  
5 was paid by the appraisal management company for the performance of the  
6 ~~appraisal~~ appraisal report.

7 Sec. 86. Section 76-3213, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 76-3213 An appraisal management company may not alter, modify, or  
10 otherwise change a completed ~~appraisal~~ appraisal report submitted by an appraiser  
11 without the appraiser's written consent.

12 Sec. 87. Section 76-3215, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 76-3215 (1) Each appraisal management company registered in this  
15 state, except in cases of noncompliance with the conditions of the  
16 engagement, shall make payment of fees to an appraiser for the completion  
17 of an appraisal or valuation assignment within sixty days after the date  
18 on which the appraiser transmits or otherwise provides the completed  
19 ~~appraisal~~ appraisal report or valuation assignment to the appraisal management  
20 company or its assignee.

21 (2) Except within the first ninety days after an appraiser is first  
22 added to the appraiser panel of an appraisal management company, an  
23 appraisal management company may not remove the appraiser from the  
24 appraiser panel of the appraisal management company or otherwise refuse  
25 to assign requests for appraisal services to an appraiser on the  
26 appraiser panel without:

27 (a) Notifying the appraiser in writing of the reasons why the  
28 appraiser is being removed from the appraiser panel of the appraisal  
29 management company; and

30 (b) Providing an opportunity for the appraiser to respond to the  
31 notification from the appraisal management company.

1 (3) An appraiser who is removed from the appraiser panel of an  
2 appraisal management company may file a complaint with the board for a  
3 review of the decision of the appraisal management company. The scope of  
4 the board's review in any such case is limited to determining that the  
5 appraisal management company has complied with subsection (2) of this  
6 section and whether a violation of the Real Property Appraiser Act has  
7 occurred.

8 (4) If an appraiser files a complaint against an appraisal  
9 management company pursuant to subsection (3) of this section, the board  
10 shall adjudicate the complaint within one hundred eighty days after the  
11 filing of the complaint.

12 (5) If, after opportunity for hearing and review, the board  
13 determines that an appraisal management company acted improperly in  
14 removing the appraiser from the appraiser panel, the board shall:

15 (a) Provide written findings to the involved parties;

16 (b) Provide an opportunity for the appraisal management company and  
17 the appraiser to respond to the findings; and

18 (c) Make recommendations for action.

19 Sec. 88. Original sections 76-2204, 76-2205, 76-2205.01, 76-2208,  
20 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2214, 76-2215,  
21 76-2217, 76-2218, 76-2219, 76-2220, 76-2222, 76-2224, 76-2239, 76-2242,  
22 76-2243, 76-2244, 76-2245, 76-2246, 76-2247.01, 76-2248, and 76-2250,  
23 Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2202,  
24 76-2203, 76-2203.01, 76-2206, 76-2210.03, 76-2211, 76-2212.01,  
25 76-2212.02, 76-2212.03, 76-2213, 76-2213.01, 76-2216, 76-2217.03,  
26 76-2217.04, 76-2221, 76-2223, 76-2225, 76-2226, 76-2227, 76-2228,  
27 76-2228.01, 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233,  
28 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241,  
29 76-2249, 76-3202, 76-3204, 76-3208, 76-3213, and 76-3215, Revised  
30 Statutes Cumulative Supplement, 2014, are repealed.

31 Sec. 89. The following sections are outright repealed: Sections

- 1 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and
- 2 section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.