

E AND R AMENDMENTS TO LB 931

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 76-2202, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-2202 ~~The Legislature finds that changes to the Real~~
6 ~~Property Appraiser Act made by Laws 2006, LB 778, are necessary~~
7 ~~to comply with the Appraiser Qualifications Board's Real Property~~
8 ~~Appraiser Qualification Criteria, effective January 1, 2008.~~
9 ~~Further, the increased educational standards required by Laws 2006,~~
10 ~~LB 778, are due to the changes in the required core curriculum~~
11 ~~necessitated by the 2008 criteria.~~

12 The Legislature finds that as a result of the enactment
13 of the Financial Institutions Reform, Recovery, and Enforcement
14 Act of 1989, as the act existed on January 1, 2010, Nebraska's
15 laws providing for regulation of real property appraisers require
16 restructuring in order to comply with Title XI of the act.
17 Compliance with the act is necessary to ensure an adequate number
18 of appraisers in Nebraska to conduct appraisals of real estate
19 involved in federally related transactions as defined in the act.

20 Sec. 2. Section 76-2206, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 76-2206 Appraisal report means any communication,
23 written, ~~or~~ oral, or by electronic means, of an appraisal. The

1 testimony of a real property appraiser dealing with the appraiser's
2 analyses, conclusions, or opinions concerning identified real
3 estate or identified real property is deemed to be an oral
4 appraisal report.

5 Sec. 3. Section 76-2213, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2213 Licensed residential real property appraiser
8 means a person who holds a valid credential as a licensed
9 residential real property appraiser issued under the Real Property
10 Appraiser Act. Licensed residential real property appraiser
11 includes persons defined as licensed real property appraisers prior
12 to the effective date of this act.

13 Sec. 4. Section 76-2213.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2213.01 Uniform Standards of Professional Appraisal
16 Practice means the standards promulgated by the Appraisal
17 Foundation, as the standards existed on January 1, ~~2008~~ 2010.

18 Sec. 5. Section 76-2216, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 76-2216 Real property appraiser means a person (1) who
21 engages in real property appraisal activity, (2) who advertises
22 or holds himself or herself out to the general public as a real
23 property appraiser, or (3) who offers, attempts, or agrees to
24 perform or performs real property appraisal activity with the
25 ~~intention or upon the promise of receiving valuable consideration.~~
26 Real property appraiser includes persons defined as real estate
27 appraisers prior to July 14, 2006.

1 Sec. 6. Section 76-2221, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2221 The Real Property Appraiser Act shall not apply
4 to:

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

24 (2) A person licensed under the Nebraska Real Estate
25 License Act who, in the ordinary course of his or her business,
26 gives a broker's price opinion or comparative market analysis,
27 except that such opinion or analysis shall not be referred to as

1 an appraisal. No compensation, fee, or other consideration shall
2 be charged for such opinion or analysis other than a real estate
3 commission or brokerage fee charged or paid for brokerage services
4 rendered in connection with the sale of the real estate involved
5 unless the opinion or analysis is in writing and carries the
6 following disclosure in bold fourteen-point type: This opinion or
7 analysis is not an appraisal. It is intended only for the benefit
8 of the addressee for the purpose of assisting buyers or sellers or
9 prospective buyers or sellers in deciding the listing, offering,
10 or sale price of the real property and not for any other purpose,
11 including, but not limited to, lending purposes. This opinion or
12 analysis is not governed by the Real Property Appraiser Act, but
13 is subject to enforcement through the Nebraska Real Estate License
14 Act, referred to in subsection (1) of section 28 of this act;

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

23 (4) Any owner of real estate, employee of the owner,
24 or attorney licensed to practice law in the State of Nebraska
25 representing the owner who renders an estimate or opinion of value
26 of the real estate or any interest in the real estate when such
27 estimate or opinion is for the purpose of real estate taxation, or

1 any other person who renders such an estimate or opinion of value
2 when that estimate or opinion requires a specialized knowledge
3 that a real property appraiser would not have, except that a real
4 property appraiser or a person licensed under the Nebraska Real
5 Estate License Act is not exempt under this subdivision;

6 (5) Any owner of real estate, employee of the owner,
7 or attorney licensed to practice law in the State of Nebraska
8 representing the owner who renders an estimate or opinion of
9 value of real estate or any interest in real estate or damages
10 thereto when such estimate or opinion is offered as testimony in
11 any condemnation proceeding, or any other person who renders such
12 an estimate or opinion when that estimate or opinion requires a
13 specialized knowledge that a real property appraiser would not
14 have, except that a real property appraiser or a person licensed
15 under the Nebraska Real Estate License Act is not exempt under this
16 subdivision;

17 (6) Any owner of real estate, employee of the owner,
18 or attorney licensed to practice law in the State of Nebraska
19 representing the owner who renders an estimate or opinion of value
20 of the real estate or any interest in the real estate when such
21 estimate or opinion is offered in connection with a legal matter
22 involving real property; or

23 (7) Any person appointed by a county board of
24 equalization to act as a referee pursuant to section 77-1502.01,
25 except that any person who also practices as an independent real
26 property appraiser for others shall be subject to the Real Property
27 Appraiser Act and shall be credentialed prior to engaging in such

1 other appraising. Any appraiser appointed to act as a referee
2 pursuant to section 77-1502.01 and who prepares an appraisal report
3 for the county board of equalization shall not sign such appraisal
4 report as a credentialed appraiser and shall include the following
5 disclosure prominently with such report: This opinion of value may
6 not meet the minimum standards contained in the Uniform Standards
7 of Professional Appraisal Practice and is not governed by the Real
8 Property Appraiser Act.

9 Sec. 7. Section 76-2223, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 76-2223 The ~~board~~ Real Property Appraiser Board shall
12 administer and enforce the Real Property Appraiser Act and may:

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

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

26 (3) Develop the specifications for credentialing
27 examinations, including timing, location, and security necessary to

1 maintain the integrity of the examinations;

2 (4) Review ~~from time to time~~ the procedure for selecting
3 individual questions from the bank of questions for use in
4 connection with each scheduled examination and review from time
5 to time the questions in the bank of questions and the related
6 answers to ascertain that they meet the specifications established
7 by the board, the procedures and criteria of a contracted testing
8 service to ensure that the testing meets with the approval of the
9 Appraiser Qualifications Board;

10 (5) Collect all fees required or permitted by the act.
11 The ~~board~~ Real Property Appraiser Board shall remit all such
12 receipts to the State Treasurer for credit to the Real Property
13 Appraiser Fund. In addition, the board may collect and transmit
14 to the appropriate federal authority any fees established under
15 the Financial Institutions Reform, Recovery, and Enforcement Act of
16 1989, as the act existed on January 1, ~~2008~~, 2010;

17 (6) Establish appropriate administrative procedures for
18 disciplinary proceedings conducted pursuant to the Real Property
19 Appraiser Act;

20 (7) Issue subpoenas to compel the attendance of witnesses
21 and the production of books, documents, records, and other papers,
22 administer oaths, and take testimony and require submission of and
23 receive evidence concerning all matters within its jurisdiction.
24 In case of disobedience of a subpoena, the ~~board~~ Real Property
25 Appraiser Board may make application to the district court of
26 Lancaster County to require the attendance and testimony of
27 witnesses and the production of documentary evidence. If any

1 person fails to obey an order of the court, he or she may be
2 punished by the court as for contempt thereof;

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

8 (9) Take appropriate disciplinary action against a
9 credential holder if the ~~board~~ Real Property Appraiser Board
10 determines that a credential holder has violated any provision
11 of the act or the Uniform Standards of Professional Appraisal
12 Practice;

13 (10) Enter into consent decrees and issue cease and
14 desist orders upon a determination that a violation of the act has
15 occurred;

16 (11) Promote research and conduct studies relating to
17 the profession of real property appraisal, sponsor real property
18 appraisal educational activities, and incur, collect fees for, and
19 pay the necessary expenses in connection with activities which
20 shall be open to all credential holders;

21 (12) Establish and ~~annually~~ adopt minimum standards for
22 appraisals as required under section 76-2237;

23 (13) Adopt and promulgate rules and regulations to
24 carry out the act. The rules and regulations may include
25 provisions establishing minimum standards for schools, courses, and
26 instructors. The rules and regulations shall be adopted pursuant to
27 the Administrative Procedure Act; and

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

3 Sec. 8. Section 76-2225, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-2225 The members of the board and the board's
6 employees or persons under contract with the board shall be
7 immune from any civil action or criminal prosecution for initiating
8 or assisting in any lawful investigation of the actions of or any
9 disciplinary proceeding concerning a credential holder pursuant to
10 the Real Property Appraiser Act if such action is taken without
11 malicious intent and in the reasonable belief that it was taken
12 pursuant to the powers vested in the members of the board or such
13 employees or persons.

14 Sec. 9. Section 76-2228, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 76-2228 ~~On and after January 1, 2008, there~~ There shall
17 be five classes of credentials issued to real property appraisers
18 as follows:

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

22 (2) Registered real property appraiser, which
23 classification shall consist of those persons who meet the
24 requirements set forth in section 76-2229.01;

25 (3) Licensed residential real property appraiser, which
26 classification shall consist of those persons who meet the
27 requirements set forth in section 76-2230;

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

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

7 Sec. 10. Section 76-2228.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 76-2228.01 (1) ~~On and after January 1, 2008, to~~ To
10 qualify for a credential as a trainee real property appraiser, an
11 applicant shall:

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

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

15 (c) Have successfully completed no fewer than
16 seventy-five class hours in board-approved courses of study
17 which relate to appraisal and which include completion of the
18 fifteen-hour National Uniform Standards of Professional Appraisal
19 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
20 Qualifications Board as of January 1, 2010, or the equivalent
21 of the course as approved by the Real Property Appraiser Board.

22 The fifteen-hour course shall be taught by a Uniform Standards
23 of Professional Appraisal Practice Instructor who is certified by
24 the Appraiser Qualifications Board and who is a state-certified
25 appraiser in good standing. The courses of study shall be conducted
26 by an accredited, degree-awarding university, college, or community
27 college, ~~or junior college,~~ an appraisal society, institute, or

1 association, a state or federal agency or commission, a proprietary
2 school, or such other educational provider as may be approved
3 by the ~~board~~ Real Property Appraiser Board and shall be, at a
4 minimum, fifteen class hours in length. Each course shall include
5 an examination pertinent to the material presented. The applicant
6 shall have completed the class hours within the five-year period
7 immediately preceding submission of the application and shall
8 have completed the fifteen-hour National Uniform Standards of
9 Professional Appraisal Practice Course within the two-year period
10 immediately preceding submission of the application;

11 (d) Be subject to direct supervision by a supervising
12 appraiser or appraisers who are certified residential real property
13 appraisers or certified general real property appraisers in good
14 standing. The supervising appraiser shall be responsible for the
15 training and direct supervision of the trainee by accepting
16 responsibility for the appraisal report by signing and certifying
17 the report is in compliance with the Uniform Standards of
18 Professional Appraisal Practice, reviewing the trainee appraisal
19 reports, and personally inspecting each appraised property with
20 the trainee as is consistent with his or her scope of practice
21 until the supervising appraiser determines the trainee is competent
22 in accordance with the competency rule of the Uniform Standards
23 of Professional Appraisal Practice. The trainee shall maintain an
24 appraisal log for each supervising appraiser in accordance with
25 standards set by rule and regulation of the board; and

26 (e) Not have been convicted of any felony or, if so
27 convicted, have had his or her civil rights restored.

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

4 (a) For a credential as a licensed residential real
5 property appraiser, he or she shall (i) complete seventy-five
6 additional hours of designated core curriculum education and (ii)
7 meet the experience requirements pursuant to subdivision (1)(d) of
8 section 77-2230;

9 (b) For a credential as a certified residential real
10 property appraiser, he or she shall (i) complete one hundred
11 twenty-five additional hours of designated core curriculum
12 education, (ii) meet the experience requirements pursuant to
13 subdivision (1)(d) of section 76-2231.01, and (iii) meet the
14 postsecondary educational requirements pursuant to subdivision
15 (1)(b)(i) or (ii) of section 76-2231.01; or

16 (c) For a credential as a certified general real property
17 appraiser, he or she shall (i) complete two hundred twenty-five
18 additional hours of designated core curriculum education, (ii)
19 meet the experience requirements pursuant to subdivision (1)(d)
20 of section 76-2232, and (iii) meet the postsecondary educational
21 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
22 76-2232.

23 ~~(2)~~ (3) If a trainee real property appraiser remains
24 in the classification in excess of two years, the trainee shall
25 be required in the third and successive years to successfully
26 complete no fewer than fourteen hours of instruction in courses
27 or seminars for each year of the period preceding the renewal and

1 shall have completed the seven-hour National Uniform Standards of
2 Professional Appraisal Practice Update Course, ~~or its equivalent,~~
3 as the course existed on January 1, 2010, or the equivalent of
4 the course as approved by the Real Property Appraiser Board, at a
5 minimum of every two years. The courses of study shall be conducted
6 by an accredited, degree-awarding university, college, or community
7 college, ~~or junior college,~~ an appraisal society, institute, or
8 association, a state or federal agency or commission, a proprietary
9 school, or such other educational provider as may be approved by
10 the board. Credit may be granted for educational offerings and for
11 participation other than as a student as approved by the board.

12 ~~(3)~~ (4) The application for a credential as a trainee
13 real property appraiser shall include the applicant's social
14 security number and such other information as the board may
15 require.

16 Sec. 11. Section 76-2229, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 76-2229 (1) No person other than a registered real
19 property appraiser shall assume or use the title registered real
20 property appraiser or any title, designation, or abbreviation
21 likely to create the impression of credentialing as a registered
22 real property appraiser by this state. No person other than a
23 licensed residential real property appraiser shall assume or use
24 the title licensed residential real property appraiser or any
25 title, designation, or abbreviation likely to create the impression
26 of credentialing as a licensed residential real property appraiser
27 by this state. No person other than a certified residential

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

20 (2) The terms registered real property appraiser,
21 licensed residential real property appraiser, certified residential
22 real property appraiser, certified general real property appraiser,
23 and trainee real property appraiser may only be used to refer
24 to a person who is credentialed as such under the Real Property
25 Appraiser Act and may not be used following or immediately
26 in connection with the name or signature of a corporation,
27 partnership, limited liability company, firm, or group or in such

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

9 Sec. 12. Section 76-2229.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 76-2229.01 (1) ~~On and after January 1, 2008, to~~ To
12 qualify for a credential as a registered real property appraiser,
13 an applicant shall:

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

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

17 (c) Have successfully completed no fewer than ninety
18 class hours in board-approved courses of study which relate to
19 appraisal and which include the fifteen-hour National Uniform
20 Standards of Professional Appraisal Practice Course, ~~or its~~
21 ~~equivalent~~ as approved by the Appraiser Qualifications Board as of
22 January 1, 2010, or the equivalent of the course as approved by
23 the Real Property Appraiser Board. The courses of study shall be
24 conducted by an accredited, degree-awarding university, college,
25 or community college, ~~or junior college,~~ an appraisal society,
26 institute, or association, or such other educational provider as
27 may be approved by the ~~board~~ Real Property Appraiser Board and

1 shall be, at a minimum, fifteen class hours in length. Each course
2 of study shall include an examination pertinent to the material
3 presented;

4 (d) Pass Within the twelve months following approval
5 of the applicant by the Real Property Appraiser Board, pass an
6 examination approved by the Appraiser Qualifications Board as of
7 January 1, 2010, and administered by the board a contracted testing
8 service which demonstrates that the applicant has:

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

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

14 (iii) An understanding of the basic principles of land
15 economics, appraisal processes, and problems encountered in the
16 gathering, interpreting, and processing of data involved in the
17 valuation of real property;

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

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

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

23 (vii) An understanding of the Uniform Standards of
24 Professional Appraisal Practice;

25 (viii) An understanding of the recognized methods and
26 techniques necessary for the development and communication of a
27 credible appraisal; and

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

3 (e) Not have been convicted of any felony or, if so
4 convicted, have had his or her civil rights restored.

5 (2) To qualify for an upgraded credential, a registered
6 real property appraiser shall satisfy at least one of the
7 appropriate requirements as follows:

8 (a) For a credential as a licensed residential real
9 property appraiser, he or she shall (i) complete sixty additional
10 hours of designated core curriculum education and (ii) meet the
11 experience requirements pursuant to subdivision (1)(d) of section
12 77-2230;

13 (b) For a credential as a certified residential real
14 property appraiser, he or she shall (i) complete one hundred ten
15 additional hours of designated core curriculum education, (ii)
16 meet the experience requirements pursuant to subdivision (1)(d) of
17 section 76-2231.01, and (iii) meet the postsecondary educational
18 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
19 76-2231.01; or

20 (c) For a credential as a certified general real property
21 appraiser, he or she shall (i) complete two hundred twenty-five
22 additional hours of designated core curriculum education, (ii)
23 meet the experience requirements pursuant to subdivision (1)(d)
24 of section 76-2232, and (iii) meet the postsecondary educational
25 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
26 76-2232.

27 ~~(2)~~ (3) The application for registration shall include

1 the applicant's social security number and such other information
2 as the ~~board~~ Real Property Appraiser Board may require.

3 ~~(3) On and after January 1, 2008, the~~ (4) The scope of
4 practice of a registered real property appraiser shall be limited
5 to the appraisal of noncomplex property having one, two, three, or
6 four residential units having a transaction value of less than two
7 hundred fifty thousand dollars.

8 ~~(4) On and after January 1, 2008, an~~ (5) An applicant
9 shall receive no more than three successive annual renewals
10 for credentialing as a registered real property appraiser.
11 Notwithstanding any other provision of section 76-2228 to the
12 contrary, the board shall not approve any initial application for
13 credentialing as a registered real property appraiser on and after
14 January 1, 2012.

15 Sec. 13. Section 76-2230, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 76-2230 (1) ~~On and after January 1, 2008, to~~ To qualify
18 for a credential as a licensed residential real property appraiser,
19 an applicant shall:

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

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

23 (c) Have successfully completed no fewer than one
24 hundred fifty class hours, which may include the class hours set
25 forth in section 76-2229.01, in board-approved courses of study
26 which relate to appraisal and which include completion of the
27 fifteen-hour National Uniform Standards of Professional Appraisal

1 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
2 Qualifications Board as of January 1, 2010, or the equivalent
3 of the course as approved by the Real Property Appraiser Board.

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

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

1 (e) Within the ~~twenty-four~~ twelve months following
2 approval of the applicant by the board, pass a ~~closed-book~~ an
3 examination approved by the Appraiser Qualifications Board as of
4 January 1, 2010, and administered by the board a contracted testing
5 service which demonstrates that the applicant has:

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

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

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

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

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

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

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

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

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

27 (f) Not have been convicted of any felony or, if so

1 convicted, have had his or her civil rights restored.

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

5 (a) For a credential as a certified residential
6 real property appraiser, he or she shall (i) complete fifty
7 additional hours of designated core curriculum education, (ii)
8 meet the experience requirements pursuant to subdivision (1)(d) of
9 section 76-2231.01, and (iii) meet the postsecondary educational
10 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
11 76-2231.01; or

12 (b) For a credential as a certified general real property
13 appraiser, he or she shall (i) complete one hundred fifty
14 additional hours of designated core curriculum education, (ii)
15 meet the experience requirements pursuant to subdivision (1)(d)
16 of section 76-2232, and (iii) meet the postsecondary educational
17 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
18 76-2232.

19 ~~(2) On and after January 1, 2008, the~~ (3) The scope of
20 practice for a licensed residential real property appraiser shall
21 be limited to the appraisal of noncomplex property having one,
22 two, three, or four residential units with a transaction value of
23 less than one million dollars and complex property having one, two,
24 three, or four residential units with a transaction value of less
25 than two hundred fifty thousand dollars.

26 ~~(3)~~ (4) If an applicant is applying for renewal of a
27 credential as a licensed residential real property appraiser, on

1 ~~and after January 1, 2008,~~ the applicant shall have successfully
2 completed no fewer than fourteen hours of instruction in courses
3 or seminars for each year of the two-year continuing education
4 period during which the application is submitted and shall have
5 completed the seven-hour National Uniform Standards of Professional
6 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
7 by the Appraiser Qualifications Board as of January 1, 2010, or
8 the equivalent of the course as approved by the Real Property
9 Appraiser Board, at a minimum of every two years. The seven-hour
10 course shall be taught by a Uniform Standards of Professional
11 Appraisal Practice Instructor who is certified by the Appraiser
12 Qualifications Board and who is a state-certified appraiser in
13 good standing. Credit toward a classroom hour requirement may
14 be granted only when the length of the educational offering is
15 at least two hours. The courses of study shall be conducted by
16 an accredited, degree-awarding university, college, or community
17 college, ~~or junior college,~~ an appraisal society, institute, or
18 association, a state or federal agency or commission, a proprietary
19 school, or such other educational provider as may be approved by
20 ~~the board.~~ Real Property Appraiser Board. Credit may be granted for
21 educational offerings and for participation other than as a student
22 as approved by the board.

23 ~~(4)~~ (5) The application for the credential as a licensed
24 residential real property appraiser shall include the applicant's
25 social security number and such other information as the board may
26 require.

27 Sec. 14. Section 76-2231.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 76-2231.01 (1) ~~On and after January 1, 2008, to~~ To
3 qualify for a credential as a certified residential real property
4 appraiser, an applicant shall:

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

6 (b)(i) Hold an associate degree, or higher, from an
7 accredited, degree-awarding university, college, or community
8 college; ~~or junior college~~ or

9 (ii) Have successfully completed, as verified by
10 the board, twenty-one semester hours of coursework or its
11 equivalent from an accredited, degree-awarding university,
12 college, or community college, ~~or junior college~~ that shall have
13 included English composition; principles of macroeconomics or
14 microeconomics; finance; algebra, geometry, or higher mathematics;
15 statistics; introduction to computers, including word processing
16 and spread sheets; and business or real estate law;

17 (c) Have successfully completed no fewer than two hundred
18 class hours, which may include the class hours set forth in
19 sections 76-2229.01 and 76-2230, in board-approved courses of study
20 which relate to appraisal and which include completion of the
21 fifteen-hour National Uniform Standards of Professional Appraisal
22 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
23 Qualifications Board as of January 1, 2010, or the equivalent
24 of the course as approved by the Real Property Appraiser Board.

25 The fifteen-hour course shall be taught by a Uniform Standards
26 of Professional Appraisal Practice Instructor who is certified by
27 the Appraiser Qualifications Board and who is a state-certified

1 appraiser in good standing. The courses of study shall be conducted
2 by an accredited, degree-awarding university, college, or community
3 college, ~~or junior college~~, an appraisal society, institute, or
4 association, a state or federal agency or commission, a proprietary
5 school, or such other educational provider as may be approved
6 by the ~~board~~ Real Property Appraiser Board and shall be, at a
7 minimum, fifteen class hours in length. ~~Credit toward the class~~
8 ~~hour requirement may be awarded to teachers of appraisal courses.~~
9 Each course shall include a closed-book examination pertinent to
10 the material presented;

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

24 (e) Within the ~~twenty-four~~ twelve months following
25 approval of the applicant by the board, pass a ~~closed-book~~ an
26 examination approved by the Appraiser Qualifications Board as of
27 January 1, 2010, and administered by the board a contracted testing

1 service which demonstrates that the applicant has:

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

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

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

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

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

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

16 (vii) An understanding of the Uniform Standards of
17 Professional Appraisal Practice;

18 (viii) An understanding of the recognized methods and
19 techniques necessary for the development and communication of a
20 credible appraisal; and

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

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

25 (2) To qualify for an upgraded credential as a certified
26 general real property appraiser, a certified residential real
27 property appraiser shall satisfy the following requirements:

1 (a) Complete one hundred additional hours of designated
2 core curriculum education;

3 (b) Meet the experience requirements pursuant to
4 subdivision (1)(d) of section 76-2232; and

5 (c) Meet the postsecondary educational requirements
6 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

7 ~~(2) On and after January 1, 2008, the~~ (3) The scope of
8 practice of a certified residential real property appraiser shall
9 be limited to the appraisal of property having one, two, three,
10 or four residential units without regard to transaction value or
11 complexity.

12 ~~(3)~~ (4) If an applicant is applying for renewal of a
13 credential as a certified residential real property appraiser, ~~on~~
14 ~~and after January 1, 2008,~~ the applicant shall have successfully
15 completed no fewer than fourteen hours of instruction in courses
16 or seminars for each year of the two-year continuing education
17 period during which the application is submitted and shall have
18 completed the seven-hour National Uniform Standards of Professional
19 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
20 by the Appraiser Qualifications Board as of January 1, 2010, or
21 the equivalent of the course as approved by the Real Property
22 Appraiser Board, at a minimum of every two years. The seven-hour
23 course shall be taught by a Uniform Standards of Professional
24 Appraisal Practice Instructor who is certified by the Appraiser
25 Qualifications Board and who is a state-certified appraiser in
26 good standing. Credit toward a classroom hour requirement may
27 be granted only if the length of the educational offering is

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

9 ~~(4)~~ (5) The application for a credential as a certified
10 residential real property appraiser shall include the applicant's
11 social security number and such other information as the board may
12 require.

13 Sec. 15. Section 76-2232, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2232 (1) ~~On and after January 1, 2008, to~~ To qualify
16 for a credential as a certified general real property appraiser, an
17 applicant shall:

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

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

21 (ii) Have successfully completed, as verified by the
22 board, thirty semester hours of coursework or its equivalent from
23 an accredited, degree-awarding university or college that shall
24 have included English composition; macroeconomics; microeconomics;
25 finance; algebra, geometry, or higher mathematics; statistics;
26 introduction to computers, including word processing and spread
27 sheets; business or real estate law; and two elective courses in

1 accounting, geography, agricultural economics, business management,
2 or real estate;

3 (c) Have successfully completed no fewer than three
4 hundred class hours, which may include the class hours set forth
5 in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved
6 courses of study which relate to appraisal and which include
7 completion of the fifteen-hour National Uniform Standards of
8 Professional Appraisal Practice Course, ~~or its equivalent~~ as
9 approved by the Appraiser Qualifications Board as of January
10 1, 2010, or the equivalent of the course as approved by the
11 Real Property Appraiser Board. The fifteen-hour course shall be
12 taught by a Uniform Standards of Professional Appraisal Practice
13 Instructor who is certified by the Appraiser Qualifications
14 Board and who is a state-certified appraiser in good standing.
15 The courses of study shall be conducted by an accredited,
16 degree-awarding university, college, or community college, ~~or~~
17 ~~junior college~~, an appraisal society, institute, or association,
18 a state or federal agency or commission, a proprietary school, or
19 such other educational provider as may be approved by the ~~board~~
20 Real Property Appraiser Board and shall be, at a minimum, fifteen
21 class hours in length. ~~Credit toward the class hour requirement~~
22 ~~may be awarded to teachers of appraisal courses~~. Each course
23 shall include a closed-book examination pertinent to the material
24 presented;

25 (d) Have no fewer than three thousand hours of experience
26 in any combination of the following: Fee and staff appraisal;
27 ad valorem tax appraisal; condemnation appraisal; technical

1 review appraisal; appraisal analysis; real estate consulting;
2 highest-and-best-use analysis; and feasibility analysis or study.

3 The required experience shall not be limited to the listed items
4 but shall be acceptable to the board and subject to review and
5 determination as to conformity with the Uniform Standards of
6 Professional Appraisal Practice. The experience shall have occurred
7 during a period of no fewer than thirty months. If requested,
8 evidence acceptable to the board concerning the experience shall
9 be presented by the applicant in the form of written reports or
10 file memoranda;

11 (e) Within the ~~twenty-four~~ twelve months following
12 approval of the applicant by the board, pass a ~~closed-book~~ an
13 examination approved by the Appraiser Qualifications Board as of
14 January 1, 2010, and administered by the board a contracted testing
15 service which demonstrates that the applicant has:

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

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

21 (iii) An understanding of the principles of land
22 economics, appraisal processes, and problems encountered in the
23 gathering, interpreting, and processing of data involved in the
24 valuation of real property;

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

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

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

3 (vii) An understanding of the Uniform Standards of
4 Professional Appraisal Practice;

5 (viii) An understanding of the recognized methods and
6 techniques necessary for the development and communication of a
7 credible appraisal; and

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

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

12 (2) If an applicant is applying for renewal of a
13 credential as a certified general real property appraiser, ~~en~~
14 ~~and after January 1, 2008,~~ the applicant shall have successfully
15 completed no fewer than fourteen hours of instruction in courses
16 or seminars for each year of the two-year continuing education
17 period during which the application is submitted and shall have
18 completed the seven-hour National Uniform Standards of Professional
19 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
20 by the Appraiser Qualifications Board as of January 1, 2010, or
21 the equivalent of the course as approved by the Real Property
22 Appraiser Board, at a minimum of every two years. The seven-hour
23 course shall be taught by a Uniform Standards of Professional
24 Appraisal Practice Instructor who is certified by the Appraiser
25 Qualifications Board and who is a state-certified appraiser in
26 good standing. Credit toward a classroom hour requirement may
27 be granted only if the length of the educational offering is

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

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

13 Sec. 16. Section 76-2233, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2233 (1) A nonresident of this state may obtain a
16 credential as a licensed residential real property appraiser, a
17 certified residential real property appraiser, or a certified
18 general real property appraiser by (a) complying with all of
19 the provisions of the Real Property Appraiser Act relating to
20 the appropriate classification of credentialing, (b) submitting an
21 application on a form approved by the board, and (c) submitting an
22 irrevocable consent that service of process upon him or her may be
23 made by delivery of the process to the director of the board if the
24 plaintiff cannot, in the exercise of due diligence, effect personal
25 service upon the applicant in an action against the applicant in a
26 court of this state arising out of the applicant's activities in
27 this state.

1 (2) If, in the determination of the board, another
2 state or territory or the District of Columbia has substantially
3 equivalent requirements to the requirements of this state, an
4 applicant who is a resident of that state, territory, or district
5 and is currently credentialed to appraise real estate and real
6 property under the laws of that state, territory, or district may
7 through reciprocity become credentialed under the act. To qualify
8 for reciprocal credentialing, the applicant shall:

9 (a) Submit evidence that he or she is currently a
10 resident of the state, territory, or District of Columbia in which
11 he or she is credentialed to appraise real estate and real property
12 and that such credential is in good standing, along with his or her
13 social security number and such other information as the board may
14 require;

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

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

25 (d) Pay fees as established in section 76-2241; and

26 (e) Comply with such other terms and conditions as may be
27 determined by the board.

1 Sec. 17. Section 76-2233.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2233.01 A nonresident may obtain a temporary
4 credential as a licensed residential real property appraiser, a
5 certified residential real property appraiser, or a certified
6 general real property appraiser to perform a contract relating to
7 the appraisal of real estate or real property in this state. To
8 qualify for the issuance of a temporary credential, an applicant
9 shall:

10 (1) Submit an application on a form approved by the
11 board;

12 (2) Submit an irrevocable consent that service of process
13 upon him or her may be made by delivery of the process to the
14 director of the board if the plaintiff cannot, in the exercise of
15 due diligence, effect personal service upon the applicant in an
16 action against the applicant in a court of this state arising out
17 of the applicant's activities in this state;

18 (3) Submit evidence that he or she is credentialed as a
19 licensed or certified appraiser of real estate and real property
20 and is currently in good standing in the jurisdiction of residency,
21 along with his or her social security number and such other
22 information as the board may require;

23 (4) Certify that disciplinary proceedings are not pending
24 against the applicant in the applicant's state of domicile or
25 in any other jurisdiction or state the nature of any pending
26 disciplinary proceedings; and

27 (5) Pay an application fee in an amount established by

1 the board.

2 A temporary credential issued under this section shall be
3 expressly limited to a grant of authority to perform the appraisal
4 work required by the contract for appraisal services in this state.
5 Each temporary credential shall expire upon the completion of the
6 appraisal work required by the contract for appraisal services or
7 upon the expiration of a period of six months from the date of
8 issuance, whichever occurs first. A temporary credential may be
9 renewed for one additional six-month period.

10 Sec. 18. Section 76-2233.02, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 76-2233.02 A credential issued under the Real Property
13 Appraiser Act other than a temporary credential shall remain in
14 effect until December 31 ~~following the date of credentialing of~~
15 the designated year unless surrendered, revoked, suspended, or
16 canceled prior to such date. To renew a valid credential, the
17 credential holder shall file an application on a form approved
18 by the board and pay the prescribed renewal fee to the board
19 not later than November 30 of each the designated year. In every
20 second year of renewal, as specified in section 76-2236, evidence
21 of completion of continuing education requirements shall accompany
22 renewal application or be on file with the board prior to renewal.

23 If a credential holder fails to apply and meet the
24 requirements for renewal by November 30 of the designated year,
25 such credential holder may obtain a renewal of such credential by
26 satisfying all of the requirements for renewal and paying a late
27 renewal fee if such late renewal takes place prior to July 1 of the

1 following year. The board may refuse to renew any credential if the
2 credential holder has continued to perform real property appraisal
3 activities or other related activities in this state following the
4 expiration of his or her credential.

5 Sec. 19. Section 76-2236, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2236 Every credential holder shall furnish evidence
8 to the board that he or she has satisfactorily completed no
9 fewer than twenty-eight hours of approved continuing education
10 activities in each two-year continuing education period. Hours of
11 satisfactorily completed approved continuing education activities
12 cannot be carried over from one two-year continuing education
13 period to another. ~~The board may extend or waive the continuing~~
14 ~~education requirements by rule or regulation.~~ As prescribed by
15 rule or regulation of the board and at least once every two
16 years, the seven-hour National Uniform Standards of Professional
17 Appraisal Practice Update Course, ~~or its equivalent~~ as approved by
18 the Appraiser Qualifications Board as of January 1, 2010, or the
19 equivalent of the course as approved by the Real Property Appraiser
20 Board, shall be included in the continuing education requirement
21 of each credential holder. As prescribed by rule or regulation
22 of the Real Property Appraiser Board and at least once every
23 four years, a seven-hour report writing update course shall be
24 included in the continuing education requirement of each credential
25 holder. ~~The board~~ Real Property Appraiser Board shall approve
26 continuing education activities which it determines would protect
27 the public by improving the competency of credential holders.

1 Evidence of completion of such continuing education activities for
2 the two-year continuing education period may be submitted to the
3 board as each activity is completed. A person who holds a temporary
4 or reciprocal credential shall not have to meet any continuing
5 education requirements in this state.

6 Sec. 20. Section 76-2237, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-2237 Each credential holder shall comply with the
9 Uniform Standards of Professional Appraisal Practice. The board
10 shall adopt and promulgate rules and regulations which conform to
11 the Uniform Standards of Professional Appraisal Practice. The board
12 shall review such rules and regulations annually. A copy of each
13 such rule or regulation shall be mailed to the business address of
14 transmitted electronically to each credential holder and shall be
15 made available on the board's web site.

16 Sec. 21. Section 76-2238, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 76-2238 The following acts and omissions shall be
19 considered grounds for disciplinary action or denial of an
20 application by the board:

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

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

1 procure a credential through fraud or misrepresentation;

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

5 (4) An act or omission involving real estate or appraisal
6 practice which constitutes dishonesty, fraud, or misrepresentation
7 with or without the intent to substantially benefit the credential
8 holder or another person or with the intent to substantially injure
9 another person;

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

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

16 (7) Engaging in the business of real property appraising
17 under an assumed or fictitious name;

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

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

27 (10) Any violation of the act or any rule or regulation

1 adopted and promulgated pursuant to the act;

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

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

11 (13) Failure or refusal to exercise reasonable diligence
12 in developing an appraisal, preparing an appraisal report, or
13 communicating an appraisal;

14 (14) Negligence or incompetence in developing an
15 appraisal, preparing an appraisal report, or communicating an
16 appraisal, including failure to follow the standards and ethical
17 rules adopted by the board;

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

20 (16) Demonstrating negligence, incompetence, or
21 unworthiness to act as an appraiser, whether of the same or of a
22 different character as otherwise specified in this section;

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

26 (18) Failure to comply with terms of a consent agreement
27 or settlement agreement;

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

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

7 ~~(20)~~ (21) Presentation to the board of any check which is
8 returned to the State Treasurer unpaid, whether payment of fee is
9 for an initial or renewal credential or for examination; and

10 ~~(21)~~ (22) Failure to pass the examination.

11 Sec. 22. Section 76-2240, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 76-2240 (1) The administrative hearing on the allegations
14 in the complaint filed pursuant to section 76-2239 shall be heard
15 by ~~the board~~ a hearing officer at the time and place prescribed
16 by the board and in accordance with the Administrative Procedure
17 Act. If, at the conclusion of the hearing, ~~the board~~ hearing
18 officer determines that the credential holder is guilty of the
19 violation, ~~it~~ the board shall take such disciplinary action as
20 ~~it~~ the board deems appropriate. Disciplinary actions which may be
21 taken shall include, but not be limited to, revocation, suspension,
22 probation, admonishment, letter of reprimand, and formal censure,
23 with ~~or~~ ~~without~~ publication, of the credential holder and may
24 or may not include an education requirement. Costs incurred for
25 an administrative hearing, including fees of counsel, the hearing
26 officer, court reporters, investigators, and witnesses, shall be
27 taxed as costs in such action as the board may direct.

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

5 Sec. 23. Section 76-2241, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2241 The board shall charge and collect appropriate
8 fees for its services under the Real Property Appraiser Act as
9 follows:

10 (1) An application fee of one hundred fifty dollars;

11 (2) An examination fee of no more than three hundred
12 dollars. The board may direct applicants to pay the fee directly to
13 a third party who has contracted to administer the examination;

14 (3) An initial and renewal credentialing fee, other than
15 temporary credentialing, of no more than three hundred dollars;

16 (4) A late renewal fee of twenty-five dollars for each
17 month or portion of a month the fee is late;

18 (5) A temporary 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
21 of no more than one hundred dollars; and

22 (6) A pocket card fee of no more than fifty dollars
23 for a licensed residential real property appraiser, certified
24 residential real property appraiser, or certified general real
25 property appraiser holding a temporary credential under the act.

26 All fees for credentialing through reciprocity shall be
27 the same as those paid by others pursuant to this section.

1 In addition to the fees set forth in this section, the
2 board may collect and transmit to the appropriate federal authority
3 any fees established under the provisions of the Financial
4 Institutions Reform, Recovery, and Enforcement Act of 1989, as
5 the act existed on January 1, ~~2008~~, 2010. The board may establish
6 such fees as it deems appropriate for special examinations and
7 other services provided by the board. All fees and other revenue
8 collected pursuant to the Real Property Appraiser Act shall be
9 remitted by the board to the State Treasurer for credit to the Real
10 Property Appraiser Fund.

11 Sec. 24. Section 76-2249, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 76-2249 (1) The board may prepare a printed directory
14 showing the name and place of business of credential holders
15 under the Real Property Appraiser Act. Copies of the directory
16 shall be made available to the public at such reasonable price
17 per copy as may be fixed by the board and shall be provided
18 to federal authorities as required by the Financial Institutions
19 Reform, Recovery, and Enforcement Act of 1989, as the act existed
20 on January 1, ~~2008~~, 2010.

21 (2) The board shall provide without charge to any
22 credential holder under the act a set of rules and regulations
23 adopted and promulgated by the board and any other information
24 which the board deems important in the area of real property
25 appraisal in the State of Nebraska. The information may be printed
26 in a booklet, a pamphlet, or any other form the board determines
27 appropriate. The board may update such material as often as it

1 deems necessary. The board may provide such material to any other
2 person upon request and may charge a fee for the material. The
3 fee shall be reasonable and shall not exceed any reasonable or
4 necessary costs of producing the material for distribution.

5 Sec. 25. Section 77-5004, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 77-5004 (1) Each commissioner shall be a qualified voter
8 and resident of the state and, for each commissioner representing
9 a congressional district, a domiciliary of the district he or she
10 represents.

11 (2) Each commissioner shall devote his or her full time
12 and efforts to the discharge of his or her duties and shall not
13 hold any other office under the laws of this state, any city or
14 county in this state, or the United States Government while serving
15 on the commission. Each commissioner shall possess:

16 (a) Appropriate knowledge of terms commonly used in or
17 related to real property appraisal and of the writing of appraisal
18 reports;

19 (b) Adequate knowledge of depreciation theories, cost
20 estimating, methods of capitalization, and real property appraisal
21 mathematics;

22 (c) An understanding of the principles of land economics,
23 appraisal processes, and problems encountered in the gathering,
24 interpreting, and evaluating of data involved in the valuation of
25 real property, including complex industrial properties and mass
26 appraisal techniques;

27 (d) Knowledge of the law relating to taxation, civil and

1 administrative procedure, due process, and evidence in Nebraska;

2 (e) At least thirty hours of successfully completed
3 class hours in courses of study, approved by the Real Property
4 Appraiser Board, which relate to appraisal and which include the
5 fifteen-hour National Uniform Standards of Professional Appraisal
6 Practice Course. If a commissioner has not received such training
7 prior to his or her appointment, such training shall be completed
8 within one year after appointment; and

9 (f) Such other qualifications and skills as reasonably
10 may be requisite for the effective and reliable performance of the
11 commission's duties.

12 (3) One commissioner shall possess any certification or
13 training required to become a licensed residential real property
14 appraiser as set forth in section 76-2230.

15 (4) Prior to January 1, 2002, the chairperson, and on and
16 after January 1, 2002, at least two commissioners, shall have been
17 engaged in the practice of law in the State of Nebraska for at
18 least five years, which may include prior service as a judge, and
19 shall be currently admitted to practice before the Nebraska Supreme
20 Court.

21 (5) No commissioner or employee of the commission shall
22 hold any position of profit or engage in any occupation or business
23 interfering with or inconsistent with his or her duties as a
24 commissioner or employee. A person is not eligible for appointment
25 and may not hold the office of commissioner or be appointed by the
26 commission to or hold any office or position under the commission
27 if he or she holds any official office or position.

1 (6) (a) Each commissioner who meets the requirements of
2 subsection (4) of this section on or after January 1, 2002, shall
3 annually attend a seminar or class of at least two days' duration
4 that is:

5 (i) Sponsored by a recognized assessment or appraisal
6 organization, in each of these areas: Utility and railroad
7 appraisal; appraisal of complex industrial properties; appraisal
8 of other hard to assess properties; and mass appraisal, residential
9 or agricultural appraisal, or assessment administration; or

10 (ii) Pertaining to management, law, civil or
11 administrative procedure, or other knowledge or skill necessary for
12 performing the duties of the office.

13 (b) Each commissioner who does not meet the requirements
14 of subsection (4) of this section on or after January 1, 2002,
15 shall within two years after his or her appointment attend at least
16 thirty hours of instruction that constitutes training for judges or
17 administrative law judges.

18 (7) The commissioners shall be considered employees of
19 the state for purposes of sections 81-1320 to 81-1328 and 84-1601
20 to 84-1615.

21 (8) The commissioners shall be reimbursed as prescribed
22 in sections 81-1174 to 81-1177 for their actual and necessary
23 expenses in the performance of their official duties pursuant to
24 the Tax Equalization and Review Commission Act.

25 Sec. 26. Section 81-885, Revised Statutes Supplement,
26 2009, is amended to read:

27 81-885 Sections 81-885 to 81-885.55 and section 28 of

1 this act shall be known and may be cited as the Nebraska Real
2 Estate License Act.

3 Sec. 27. Section 81-885.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-885.01 For purposes of the Nebraska Real Estate
6 License Act, unless the context otherwise requires:

7 (1) Real estate means and includes condominiums and
8 leaseholds, as well as any other interest or estate in land,
9 whether corporeal, incorporeal, freehold, or nonfreehold, and
10 whether the real estate is situated in this state or elsewhere;

11 (2) Broker means any person who, for any form of
12 compensation or consideration or with the intent or expectation
13 of receiving the same from another, negotiates or attempts to
14 negotiate the listing, sale, purchase, exchange, rent, lease, or
15 option for any real estate or improvements thereon, or assists in
16 procuring prospects or holds himself or herself out as a referral
17 agent for the purpose of securing prospects for the listing, sale,
18 purchase, exchange, renting, leasing, or optioning of any real
19 estate or collects rents or attempts to collect rents, gives a
20 broker's price opinion or comparative market analysis, or holds
21 himself or herself out as engaged in any of the foregoing. Broker
22 also includes any person: (a) Employed, by or on behalf of the
23 owner or owners of lots or other parcels of real estate, for any
24 form of compensation or consideration to sell such real estate
25 or any part thereof in lots or parcels or make other disposition
26 thereof; (b) who auctions, offers, attempts, or agrees to auction
27 real estate; or (c) who buys or offers to buy or sell or otherwise

1 deals in options to buy real estate;

2 (3) Associate broker means a person who has a broker's
3 license and who is employed by another broker to participate in any
4 activity described in subdivision (2) of this section;

5 (4) Designated broker means an individual holding a
6 broker's license who has full authority to conduct the real estate
7 activities of a real estate business. In a sole proprietorship, the
8 owner, or broker identified by the owner, shall be the designated
9 broker. In the event the owner identifies the designated broker,
10 the owner shall file a statement with the commission subordinating
11 to the designated broker full authority to conduct the real
12 estate activities of the sole proprietorship. In a partnership,
13 limited liability company, or corporation, the partners, limited
14 liability company members, or board of directors shall identify
15 the designated broker for its real estate business by filing
16 a statement with the commission subordinating to the designated
17 broker full authority to conduct the real estate activities of
18 the partnership, limited liability company, or corporation. The
19 designated broker shall also be responsible for supervising the
20 real estate activities of any associate brokers or salespersons;

21 (5) Inactive broker means an associate broker whose
22 license has been returned to the commission by the licensee's
23 broker, a broker who has requested the commission to place the
24 license on inactive status, a new licensee who has failed to
25 designate an employing broker or have the license issued as an
26 individual broker, or a broker whose license has been placed on
27 inactive status under statute, rule, or regulation;

1 (6) Salesperson means any person, other than an associate
2 broker, who is employed by a broker to participate in any activity
3 described in subdivision (2) of this section;

4 (7) Inactive salesperson means a salesperson whose
5 license has been returned to the commission by the licensee's
6 broker, a salesperson who has requested the commission to place
7 the license on inactive status, a new licensee who has failed to
8 designate an employing broker, or a salesperson whose license has
9 been placed on inactive status under statute, rule, or regulation;

10 (8) Person means and includes individuals, corporations,
11 partnerships, and limited liability companies, except that when
12 referring to a person licensed under the act, it means an
13 individual;

14 (9) Subdivision or subdivided land means any real estate
15 offered for sale and which has been registered under the Interstate
16 Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15
17 U.S.C. 1701 and following, as such act existed on January 1, 1973,
18 or real estate located out of this state which is divided or
19 proposed to be divided into twenty-five or more lots, parcels, or
20 units;

21 (10) Subdivider means any person who causes land to be
22 subdivided into a subdivision for himself, herself, or others or
23 who undertakes to develop a subdivision but does not include a
24 public agency or officer authorized by law to create subdivisions;

25 (11) Purchaser means a person who acquires or attempts to
26 acquire or succeeds to an interest in land;

27 (12) Commission means the State Real Estate Commission;

1 (13) Broker's price opinion means an analysis, opinion,
2 or conclusion prepared by a person licensed under the Nebraska Real
3 Estate License Act in the ordinary course of his or her business
4 relating to the price of specified interests in or aspects of
5 identified real estate or identified real property for the purpose
6 of (a) listing, purchase, or sale or (b) originating, extending,
7 renewing, or modifying a loan in a transaction other than a
8 federally related transaction;

9 (14) Comparative market analysis means an analysis,
10 opinion, or conclusion prepared by a person licensed under the
11 act in the ordinary course of his or her business relating to
12 the price of specified interests in or aspects of identified real
13 estate or identified real property by comparison to other real
14 property currently or recently in the marketplace for the purpose
15 of (a) listing, purchase, or sale or (b) originating, extending,
16 renewing, or modifying a loan in a transaction other than a
17 federally related transaction;

18 (15) Distance education means courses in which
19 instruction does not take place in a traditional classroom setting,
20 but rather through other media by which instructor and student are
21 separated by distance and sometimes by time; and

22 (16) Regulatory jurisdiction means a state, district, or
23 territory of the United States, a province of Canada or a foreign
24 country, or a political subdivision of a foreign country, which
25 has implemented and administers laws regulating the activities of a
26 broker;:-

27 (17) Federal financial institution regulatory agency

1 means (a) the Board of Governors of the Federal Reserve System, (b)
2 the Federal Deposit Insurance Corporation, (c) the Office of the
3 Comptroller of the Currency, (d) the Office of Thrift Supervision,
4 (e) the National Credit Union Administration, or (f) the successors
5 of any of those agencies; and

6 (18) Federally related transaction means a
7 real-estate-related transaction that (a) requires the services of
8 an appraiser and (b) is engaged in, contracted for, or regulated by
9 a federal financial institution regulatory agency.

10 Sec. 28. (1) The Real Property Appraiser Act shall not
11 apply to a person licensed under the Nebraska Real Estate License
12 Act who, in the ordinary course of his or her business, gives a
13 broker's price opinion or comparative market analysis, except that
14 such opinion or analysis shall not be referred to as an appraisal.

15 (2) No compensation, fee, or other consideration shall be
16 charged for a broker's price opinion or comparative market analysis
17 other than a real estate commission or brokerage fee charged or
18 paid for brokerage services rendered in connection with the sale
19 of the real estate involved unless the opinion or analysis is in
20 writing, is signed by the preparer, includes the date on which it
21 was prepared, and contains or has attached thereto the following
22 disclosure in bold fourteen-point type: This opinion or analysis
23 is not an appraisal. It is intended only for the benefit of
24 the addressee for the purpose of assisting buyers or sellers or
25 prospective buyers or sellers in deciding the listing, offering,
26 or sale price of the real property or for lending purposes in
27 a transaction other than a federally related transaction. This

1 opinion or analysis is not governed by the Real Property Appraiser
2 Act.

3 (3) A broker's price opinion or comparative market
4 analysis prepared for an existing or potential lienholder
5 originating, extending, renewing, or modifying a loan in a
6 transaction other than a federally related transaction may not be
7 used as the sole basis to determine the value of the real estate
8 for the purpose of originating a loan secured by such real estate,
9 and the person giving the opinion or analysis must be engaged
10 directly by the lienholder or its agent. Such person shall have no
11 duty to inquire as to any other basis used to determine such value.

12 Sec. 29. Original sections 76-2202, 76-2206, 76-2213,
13 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2225, 76-2228,
14 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232,
15 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238,
16 76-2240, 76-2241, 76-2249, 77-5004, and 81-885.01, Reissue Revised
17 Statutes of Nebraska, and section 81-885, Revised Statutes
18 Supplement, 2009, are repealed.

19 Sec. 30. The following sections are outright repealed:
20 Sections 76-2207, 76-2209, and 76-2211, Reissue Revised Statutes of
21 Nebraska.

22 Sec. 31. Since an emergency exists, this act takes effect
23 when passed and approved according to law.

24 2. On page 1, strike beginning with "the" in line 1
25 through line 14 and insert "real property; to amend sections
26 76-2202, 76-2206, 76-2213, 76-2213.01, 76-2216, 76-2221, 76-2223,
27 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230,

1 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236,
2 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, 77-5004, and
3 81-885.01, Reissue Revised Statutes of Nebraska, and section
4 81-885, Revised Statutes Supplement, 2009; to change and eliminate
5 provisions of the Real Property Appraiser Act and the Nebraska
6 Real Estate License Act; to harmonize provisions; to repeal the
7 original sections; to outright repeal sections 76-2207, 76-2209,
8 and 76-2211, Reissue Revised Statutes of Nebraska; and to declare
9 an emergency."

10 3. On page 2, strike lines 1 and 2.