

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 685

Introduced by Christensen, 44.

Read first time January 08, 2014

Committee: Banking, Commerce and Insurance

A BILL

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

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

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

3 76-2201 Sections 76-2201 to 76-2250 and sections 6 to 15,
4 18 to 22, 24, 26, 27, 33, 38, 40, and 49 of this act shall be known
5 and may be cited as the Real Property Appraiser Act.

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

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

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

20 76-2203 For purposes of the Real Property Appraiser Act,
21 the definitions found in sections 76-2204 to 76-2219 and sections 6
22 to 15, 18 to 22, 24, 26, and 27 of this act shall be used.

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

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

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

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

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

17 Sec. 6. Appraisal review means the act or process of
18 developing and communicating an opinion about the quality of a real
19 property appraiser's work that was performed as part of a valuation,
20 evaluation, or review assignment.

21 Sec. 7. Appraiser Qualifications Board means the
22 Appraiser Qualifications Board of The Appraisal Foundation.

23 Sec. 8. Assignment means (1) an agreement between a real
24 property appraiser or real property associate and a client to provide
25 a valuation service or (2) the valuation service that is provided as

1 a consequence of such an agreement.

2 Sec. 9. Automated valuation model means any computerized
3 model used by loan originators and secondary market issuers to
4 determine the collateral value of real estate.

5 Sec. 10. Client means the party or parties who engage, by
6 employment or contract, a real property appraiser or real property
7 associate in a specific assignment. The client may be an individual,
8 group, or entity and may engage and communicate with the appraiser
9 directly or through an agent.

10 Sec. 11. Credential holder means any person that holds a
11 valid credential as a registered, licensed, certified residential or
12 certified general real property appraiser and any person issued a
13 temporary permit to engage in real property appraisal activity within
14 this state.

15 Sec. 12. Education provider means: Any person;
16 organization; proprietary school; accredited degree-awarding
17 community college, college or university; or state or federal agency
18 that provides appraiser qualifying or continuing training or
19 education.

20 Sec. 13. Employee means any individual who is employed on
21 a permanent basis and who devotes substantially all of his or her
22 time to performing services on behalf of an employer and whose
23 compensation for the services is in the form of salary, or its
24 equivalent, paid by the employer. Employee does not include an
25 independent contractor.

1 Sec. 14. Instructor means one or more individuals
2 approved by the board that meets or exceeds the instructor
3 requirements specified in the Real Property Appraiser Act and rules
4 and regulations of the board, and is responsible for ensuring that
5 the education activity content is communicated to the activity's
6 audience as presented to the board for approval, and that the
7 education activity contributes to the quality of real property
8 appraisal services provided to the public. An individual that
9 communicates assigned materials or a portion of the education
10 activity content under the authorization of the education provider,
11 but is not responsible for the education activity content, is not an
12 instructor.

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

17 Sec. 16. Section 76-2215, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 ~~76-2215 Real property appraisal activity means any act or~~
20 ~~process, performed for a fee or other valuable consideration,~~
21 ~~involved in developing an appraisal or preparing an appraisal report,~~
22 ~~including but not limited to, a consulting service, an evaluation~~
23 ~~assignment, or a valuation assignment.~~

24 Real property appraisal activity means any act or process
25 involved in developing an analysis, opinion, or conclusion relating

1 to the value of specified interests in or aspects of identified real
2 estate or identified real property. Real property appraisal activity
3 includes, but is not limited to, evaluation assignments, valuation
4 assignments, and review assignments.

5 Sec. 17. Section 76-2216, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 76-2216 Real property appraiser means a person who:

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

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

12 (3) ~~who offers,~~ Offers, attempts, or agrees to perform or
13 performs real property appraisal activity. Real property appraiser
14 includes persons defined as real estate appraisers prior to July 14,
15 2006.

16 Sec. 18. (1) Real property associate means a person who
17 holds a valid credential as a real property associate as provided in
18 section 33 of this act, and:

19 (a) Who provides valuation services pursuant to
20 subsection (3) of section 33 of this act;

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

23 (c) Who offers, attempts, or agrees to perform or
24 performs valuation services pursuant to subsection (3) of section 33
25 of this act.

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

4 Sec. 19. Section 76-2206, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 ~~76-2206 Appraisal report~~ Report means any communication,
7 written, oral, or by electronic means, of an appraisal or appraisal
8 review that is transmitted to the client upon completion of an
9 assignment. The testimony of a real property appraiser dealing with
10 the appraiser's analyses, conclusions, or opinions concerning
11 identified real estate or identified real property Testimony related
12 to an appraisal or appraisal review is deemed to be an oral appraisal
13 report.

14 Sec. 20. Scope of work means the type and extent of
15 research and analyses in a valuation assignment, evaluation
16 assignment, or review assignment.

17 Sec. 21. Specialized knowledge means an advanced level of
18 expertise obtained through education and experience with respect to a
19 specific subject matter, which includes an advanced understanding of
20 the principles, practices, procedures, and methods applicable to the
21 subject matter, as well as the ability to apply such expertise to a
22 problem requiring an expertise that a real property appraiser could
23 only obtain through equivalent education and experience.

24 Sec. 22. Section 76-2217.02, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 ~~76-2217.02~~ Trainee real property appraiser means a person
2 who holds a valid credential as a trainee real property appraiser
3 issued under the Real Property Appraiser Act and who, under the
4 direct supervision of a certified residential or certified general
5 real property appraiser, assists the appraiser in any phase of
6 appraisal activity but does not include nonprofessional employees
7 such as clerical employees.

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

10 76-2218 (1) Two-year continuing education period means a
11 period of twenty-four months commencing on January 1 following the
12 date of credentialing under the Real Property Appraiser Act and each
13 succeeding twenty-four month period. and completed on December 31 of
14 the following year.

15 (2) The two-year continuing education period for new
16 credential holders credentialed prior to July 1 begins on the date of
17 initial credentialing under the Real Property Appraiser Act, and is
18 completed on December 31 of the following year.

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

22 Sec. 24. Section 76-2213.01, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 ~~76-2213.01~~ Uniform Standards of Professional Appraisal
25 Practice means the definitions, preamble, ethics rule, recordkeeping

1 rule, competency rule, scope of work rule, jurisdictional exception
2 rule, standards one through ten, statements on appraisal standards,
3 and advisory opinions promulgated by the Appraisal Foundation and
4 adopted by the Real Property Appraiser Board as the standards existed
5 on January 1, 2012- 2014.

6 Sec. 25. Section 76-2219, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-2219 Valuation assignment means:

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

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

14 Sec. 26. Valuation services means all services pertaining
15 to aspects of property value, including services performed by both
16 real property appraisers and real property associates.

17 Sec. 27. Workfile means documentation necessary to
18 support a real property appraiser's analyses, opinion, and
19 conclusions as it applies to an assignment.

20 Sec. 28. Section 76-2220, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 76-2220 (1) Except as provided in section 76-2221, it
23 shall be unlawful for anyone to act as a real property appraiser or
24 real property associate in this state without first obtaining proper
25 credentialing as required under the Real Property Appraiser Act.

1 (2) Except as provided in section 76-2221, any person
2 who, directly or indirectly for another, offers, attempts, or agrees
3 to perform any act described in section 76-2216 shall be deemed a
4 real property appraiser, or any act described in section 18 of this
5 act shall be deemed a real property associate, within the meaning of
6 the Nebraska Real Property Appraiser Act, and such action shall
7 constitute sufficient contact with the state for the exercise of
8 personal jurisdiction over such person in any action arising out of
9 such act. Committing a single act described in such sections by a
10 person required to be credentialed under the Nebraska Real Property
11 Appraiser Act and not so credentialed shall constitute a violation of
12 the act for which the board may impose sanctions pursuant to this
13 section for the protection of the public health, safety, or welfare.

14 (3) Notwithstanding any other provision of the law to the
15 contrary, the board may issue a cease and desist order against any
16 person who violates this section by performing any action described
17 in section 76-2216 or section 18 of this act without the appropriate
18 credential. Such order shall be final ten days after issuance unless
19 the violator requests a hearing pursuant to section 76-2240.

20 Sec. 29. Section 76-2221, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 76-2221 The Real Property Appraiser Act shall not apply
23 to:

24 (1) ~~Any real property appraiser who is~~ person performing
25 valuation services in his or her capacity as a salaried employee of

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

19 (2) A person referred to in subsection (1) of section
20 81-885.16;

21 (3) Any person who provides assistance (a) in obtaining
22 the data upon which an appraisal is based, (b) in the physical
23 preparation of ~~an appraisal~~ a report, such as taking photographs,
24 preparing charts, maps, or graphs, or typing or printing the report,
25 or (c) that does not directly involve the exercise of judgment in

1 arriving at the analyses, opinions, or conclusions concerning real
2 estate or real property set forth in the ~~appraisal~~ report;

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

14 (5) Any owner of real estate, employee of the owner, or
15 attorney licensed to practice law in the State of Nebraska
16 representing the owner who renders an estimate or opinion of value of
17 real estate or any interest in real estate or damages thereto when
18 such estimate or opinion is offered as testimony in any condemnation
19 proceeding, or any other person who renders such an estimate or
20 opinion when that estimate or opinion requires a specialized
21 knowledge, as determined by the board, that a real property appraiser
22 would not have, except that a real property appraiser or a person
23 licensed under the Nebraska Real Estate License Act is not exempt
24 under this subdivision;

25 (6) Any owner of real estate, employee of the owner, or

1 attorney licensed to practice law in the State of Nebraska
2 representing the owner who renders an estimate or opinion of value of
3 the real estate or any interest in the real estate when such estimate
4 or opinion is offered in connection with a legal matter involving
5 real property; ~~or~~

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

20 (8) Any elected official or person appointed to replace
21 an elected official of the state or any political subdivision who
22 estimates the market value of defined real property while acting in
23 his or her official capacity for the state government or any
24 political subdivision; or

25 (9) Automated valuation models used to estimate

1 collateral value of real estate for lending purposes.

2 Sec. 30. Section 76-2222, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2222 (1) The Real Property Appraiser Board is hereby
5 created. The board shall consist of five members. One, ~~one~~ member
6 who is a certified real property appraiser shall be selected from
7 each of the three congressional districts, and two members shall be
8 selected at large. The two members selected at large shall include
9 one representative of financial institutions and one licensed real
10 estate broker who also holds a credential as a licensed or certified
11 real property appraiser. The Governor shall appoint the members of
12 the board. The members shall be appointed so that the membership of
13 the board selected from the congressional districts includes at least
14 two certified general real property appraisers.

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

25 (3) The members of the board shall elect a chairperson

1 during the first meeting of each year from among the members.

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

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

21 Sec. 31. Section 76-2223, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 76-2223 (1) The Real Property Appraiser Board shall
24 administer and enforce the Real Property Appraiser Act and may:

25 (a) Receive applications for credentialing under the act,

1 process such applications and regulate the issuance of credentials to
2 qualified applicants, and maintain a directory of the names and
3 addresses of persons who receive credentials under the act;

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

11 (c) Develop the specifications for credentialing
12 examinations, including timing, location, and security necessary to
13 maintain the integrity of the examinations;

14 (d) Review the procedures and criteria of a contracted
15 testing service to ensure that the testing meets with the approval of
16 the Appraiser Qualifications Board;

17 (e) Collect all fees required or permitted by the act.
18 The Real Property Appraiser Board shall remit all such receipts to
19 the State Treasurer for credit to the Real Property Appraiser Fund.
20 In addition, the board may collect and transmit to the appropriate
21 federal authority any fees established under the Financial
22 Institutions Reform, Recovery, and Enforcement Act of 1989, as the
23 act existed on January 1, ~~2012~~ 2014;

24 (f) Establish appropriate administrative procedures for
25 disciplinary proceedings conducted pursuant to the Real Property

1 Appraiser Act;

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

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

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

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

23 (k) Promote research and conduct studies relating to the
24 profession of real property appraisal, sponsor real property
25 appraisal educational activities, and incur, collect fees for, and

1 pay the necessary expenses in connection with activities which shall
2 be open to all credential holders;

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

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

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

12 (2) The Real Property Appraiser Board shall also
13 administer and enforce the Nebraska Appraisal Management Company
14 Registration Act.

15 Sec. 32. Section 76-2226, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 76-2226 There is hereby created the Real Property
18 Appraiser Fund. The board may use the fund for the administration and
19 enforcement of the Real Property Appraiser Act and to meet the
20 necessary expenditures of the board. The fund shall include a
21 sufficient cash fund balance as determined by the board. The expense
22 of administering and enforcing the act shall not exceed the money
23 collected by the board under the act. Transfers may be made from the
24 fund to the General Fund at the direction of the Legislature. Any
25 transfer to the General Fund shall not decrease the fund to the

1 amount equal to or below a sufficient cash fund balance as determined
2 by the board. Any money in the Real Property Appraiser Fund available
3 for investment shall be invested by the state investment officer
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
5 Funds Investment Act.

6 Sec. 33. (1) To qualify for a credential as a real
7 property associate, an applicant shall:

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

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

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

23 (d) Complete the fifteen-hour National Uniform Standards
24 of Professional Appraisal Practice Course as approved by the
25 Appraiser Qualifications Board as of January 1, 2014, or the

1 equivalent of the course as approved by the Real Property Appraiser
2 Board. The fifteen-hour course shall be taught by a Uniform Standards
3 of Professional Appraisal Practice Instructor who is certified by the
4 Appraiser Qualifications Board and who is a state-certified appraiser
5 in good standing;

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

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

20 (g) Certify that his or her appraiser credential or any
21 other registration, license, or certification, held for any other
22 regulatory agency or in any other jurisdiction, has not been revoked
23 or suspended within the five-year period immediately preceding the
24 date of application;

25 (h) Not have been convicted, including a conviction based

1 upon a plea of guilty or nolo contendere, of:

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

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

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

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

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

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

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

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

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

18 Sec. 34. Section 76-2228.01, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 76-2228.01 (1) To qualify for a credential as a trainee
21 real property appraiser, an applicant shall:

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

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

25 (c) Have successfully completed no fewer than seventy-

1 five class hours in board-approved courses of study which relate to
2 appraisal and which include completion of the fifteen-hour National
3 Uniform Standards of Professional Appraisal Practice Course as
4 approved by the Appraiser Qualifications Board as of January 1, ~~2012,~~
5 2014, or the equivalent of the course as approved by the Real
6 Property Appraiser Board. The fifteen-hour course shall be taught by
7 a Uniform Standards of Professional Appraisal Practice Instructor who
8 is certified by the Appraiser Qualifications Board and who is a
9 state-certified appraiser in good standing. The courses of study
10 shall be conducted by an accredited, degree-awarding university,
11 college, or community college, an appraisal society, institute, or
12 association, a state or federal agency or commission, a proprietary
13 school, or such other educational provider as may be approved by the
14 Real Property Appraiser Board and shall be, at a minimum, fifteen
15 class hours in length. Each course shall include an examination
16 pertinent to the material presented. The applicant shall have
17 completed the class hours within the five-year period immediately
18 preceding submission of the application and shall have completed the
19 fifteen-hour National Uniform Standards of Professional Appraisal
20 Practice Course within the two-year period immediately preceding
21 submission of the application;

22 (d) Be subject to direct supervision by a supervising
23 appraiser or appraisers who are certified residential real property
24 appraisers or certified general real property appraisers in good
25 standing. The supervising appraiser shall be responsible for the

1 training and direct supervision of the trainee by accepting
2 responsibility for the ~~appraisal~~ report by signing and certifying the
3 report is in compliance with the Uniform Standards of Professional
4 Appraisal Practice, reviewing the trainee ~~appraisal~~ reports, and
5 personally inspecting each appraised property with the trainee as is
6 consistent with his or her scope of practice until the supervising
7 appraiser determines the trainee is competent in accordance with the
8 competency rule of the Uniform Standards of Professional Appraisal
9 Practice. The trainee shall maintain an appraisal log for each
10 supervising appraiser in accordance with standards set by rule and
11 regulation of the board; and

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

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

17 (a) For a credential as a licensed residential real
18 property appraiser, he or she shall:

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

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

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

25 (i) ~~complete~~ Complete one hundred twenty-five additional

1 hours of designated core curriculum education; 7

2 (ii) ~~meet~~Meet the experience requirements pursuant to
3 subdivision (1)(d) of section 76-2231.01; 7 and

4 (iii) ~~meet~~Meet the postsecondary educational
5 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
6 76-2231.01; or

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

9 (i) ~~complete~~Complete two hundred twenty-five additional
10 hours of designated core curriculum education; 7

11 (ii) ~~meet~~Meet the experience requirements pursuant to
12 subdivision (1)(d) of section 76-2232; 7 and

13 (iii) ~~meet~~Meet the postsecondary educational
14 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
15 76-2232.

16 (3) If a trainee real property appraiser remains in the
17 classification in excess of two years, the trainee shall be required
18 in the third and successive years to successfully complete no fewer
19 than fourteen hours of instruction in courses or seminars for each
20 year of the period preceding the renewal and shall have completed the
21 seven-hour National Uniform Standards of Professional Appraisal
22 Practice Update Course, as the course existed on January 1, 2012,
23 2014, or the equivalent of the course as approved by the Real
24 Property Appraiser Board, at a minimum of every two years. The
25 courses of study shall be conducted by an accredited, degree-awarding

1 university, college, or community college, an appraisal society,
2 institute, or association, a state or federal agency or commission, a
3 proprietary school, or such other ~~educational~~education provider as
4 may be approved by the board. Credit may be granted for educational
5 offerings and for participation other than as a student as approved
6 by the board.

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

10 Sec. 35. Section 76-2230, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 76-2230 (1) To qualify for a credential as a licensed
13 residential real property appraiser, 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 one hundred
18 fifty class hours, which may include the class hours set forth in
19 section 76-2229.01, in board-approved courses of study which relate
20 to appraisal and which include completion of the fifteen-hour
21 National Uniform Standards of Professional Appraisal Practice Course
22 as approved by the Appraiser Qualifications Board as of January 1,
23 ~~2012,~~2014, or the equivalent of the course as approved by the Real
24 Property Appraiser Board. The fifteen-hour course shall be taught by
25 a Uniform Standards of Professional Appraisal Practice Instructor who

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

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

22 (e) Within the twelve months following approval of the
23 applicant by the board, pass an examination approved by the Appraiser
24 Qualifications Board as of January 1, ~~2012,~~2014, and administered by
25 a contracted testing service which demonstrates that the applicant

1 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, a licensed

1 residential real property appraiser shall satisfy at least one of the
2 appropriate requirements as follows:

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

5 (i) ~~complete~~ Complete fifty additional hours of
6 designated core curriculum education; ~~;~~ ;

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

9 (iii) ~~meet~~ 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:

14 (i) ~~complete~~ Complete one hundred fifty additional hours
15 of designated core curriculum education; ~~;~~ ;

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

18 (iii) ~~meet~~ Meet the postsecondary educational
19 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
20 76-2232.

21 (3) The scope of practice for a licensed residential real
22 property appraiser shall be limited to the appraisal of noncomplex
23 property having one, two, three, or four residential units with a
24 transaction value of less than one million dollars and complex
25 property having one, two, three, or four residential units with a

1 transaction value of less than two hundred fifty thousand dollars.

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

24 (5) The application for the credential as a licensed
25 residential real property appraiser shall include the applicant's

1 social security number and such other information as the board may
2 require.

3 Sec. 36. Section 76-2233.01, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 76-2233.01 (1) A nonresident currently credentialed to
6 appraise real estate and real property under the laws of another
7 jurisdiction may obtain a temporary credential as a licensed
8 residential real property appraiser, a certified residential real
9 property appraiser, or a certified general real property appraiser to
10 ~~perform a contract relating to the appraisal of real estate or real~~
11 ~~property~~ engage in real property appraisal activity in this state.

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

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

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

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

25 ~~(3)~~ (d) ~~Submit evidence that he or she is credentialed as~~

1 ~~a licensed or certified appraiser of real estate and real property~~
2 ~~and is currently in good standing in the jurisdiction of residency,~~
3 ~~along with his or her social security number and such other~~
4 ~~information as the board may require;~~

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

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

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

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

25 (4) Any person issued a temporary credential to engage in

1 real property appraisal activity in this state shall comply with all
2 of the provisions of the Real Property Appraiser Act relating to the
3 appropriate classification of credentialing. The board may, upon its
4 own motion, and shall, upon the written complaint of any aggrieved
5 person, cause an investigation to be made with respect to an alleged
6 violation of the act by a person who is engaged in, or who has
7 engaged in, real property appraisal activity as a temporary
8 credential holder, and that person shall be deemed a real property
9 appraiser within the meaning of the act.

10 Sec. 37. Section 76-2233.02, Revised Statutes Cumulative
11 Supplement, 2012, 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 of the designated year unless surrendered,
15 revoked, suspended, or canceled prior to such date. To renew a valid
16 credential, the credential holder shall file an application on a form
17 approved by the board and pay the prescribed renewal fee to the board
18 not later than November 30 of the designated year. A credential may
19 be renewed for one year or two years. In every second year of
20 ~~renewal, the two-year continuing education period,~~ as specified in
21 section 76-2236, evidence of completion of continuing education
22 requirements shall accompany renewal application or be on file with
23 the board prior to renewal.

24 If a credential holder fails to apply and meet the
25 requirements for renewal by November 30 of the designated year, such

1 credential holder may obtain a renewal of such credential by
2 satisfying all of the requirements for renewal and paying a late
3 ~~renewal processing~~ fee if such late renewal takes place prior to July
4 1 of the following year. If a credential holder that first obtained
5 his or her credential at the current level after November 1 fails to
6 apply and meet the requirements for renewal by December 31 of the
7 designated year, such credential holder may obtain a renewal of such
8 credential by satisfying all the requirements for renewal and paying
9 a late processing fee if such late renewal takes place prior to July
10 1 of the following year. The board may refuse to renew any credential
11 if the credential holder has continued to perform real property
12 appraisal activities or other related activities in this state
13 following the expiration of his or her credential. If a credential is
14 not renewed prior to July 1, a credential holder must reapply for
15 credentialing and meet the current requirements in place at the time
16 of application, except for the provisions as provided in section 38
17 of this act.

18 Sec. 38. (1) A credential holder may request that his or
19 her credential be placed on inactive status for a period not to
20 exceed two years. Such requests shall be submitted to the board on an
21 application form prescribed by the board. The payment of the
22 appropriate fee fixed by the board pursuant to section 76-2241 shall
23 accompany all applications for requests of inactive status.

24 (2) A credential holder placed on inactive status shall
25 not:

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

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

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

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

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

22 (6) If a credential holder fails to reinstate his or her
23 credential to active status prior to the completion of the two-year
24 period, his or her credential will return to status as if credential
25 was not placed in an inactive status. If a credential holder's

1 credential is expired at the completion of the two-year period, the
2 credential holder must reapply for credentialing and meet the current
3 requirements in place at the time of application.

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

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

8 Sec. 39. Section 76-2236, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 76-2236 (1) Every credential holder, except for one who
11 first obtained his or her credential at the current level after July
12 1, shall furnish evidence to the board that he or she has
13 satisfactorily completed no fewer than twenty-eight hours of approved
14 continuing education activities in each two-year continuing education
15 period. No continuing education is required for any credential holder
16 who first obtained his or her credential at the current level after
17 July 1. Hours of satisfactorily completed approved continuing
18 education activities cannot be carried over from one two-year
19 continuing education period to another. Evidence of successful
20 completion of such continuing education activities for the two-year
21 continuing education period, including passing examination if
22 applicable, may be submitted to the board as each activity is
23 completed. No continuing education activity shall be less than two
24 hours in duration. A person who holds a temporary credential does not
25 have to meet any continuing education requirements in the Real

1 Property Appraiser Act.

2 (2) As prescribed by rules and regulations of the board,
3 the board shall approve continuing education activities and
4 instructors which it determines would protect the public by improving
5 the knowledge, skills, and competency of credential holders. As
6 prescribed by ~~rule or regulation~~ rules and regulations of the board
7 and at least once every two years, the seven-hour National Uniform
8 Standards of Professional Appraisal Practice Update Course as
9 approved by the Appraiser Qualifications Board as of January 1, 2012,
10 2014, or the equivalent of the course as approved by the Real
11 Property Appraiser Board, shall be included in the continuing
12 education requirement of each credential holder. The seven-hour
13 Uniform Standards of Professional Appraisal Practice Update Course,
14 or an equivalent of the course as approved by the board shall:

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

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

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

24 (3) As prescribed by ~~rule or regulation~~ rules and
25 regulations of the Real Property Appraiser Board board and at least

1 once every four years, but not more than every two years, a seven-
2 hour report writing update course, as approved by the board, shall be
3 included in the continuing education requirement of each credential
4 holder. The Real Property Appraiser Board shall approve continuing
5 education activities which it determines would protect the public by
6 improving the competency of credential holders. Evidence of
7 completion of such continuing education activities for the two-year
8 continuing education period may be submitted to the board as each
9 activity is completed. A person who holds a temporary or reciprocal
10 credential shall not have to meet any continuing education
11 requirements in this state. The seven-hour report writing update
12 course shall be taken in a classroom and not online or by
13 correspondence.

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

21 (5) The board may adopt a program of continuing education
22 for individual credentials as long as program is compliant with the
23 Appraiser Qualifications Board's criteria specific to continuing
24 education.

25 Sec. 40. (1) No person other than a real property

1 associate shall assume or use the title real property associate or
2 any title, designation, or abbreviation likely to create the
3 impression of credentialing as a real property associate by this
4 state. No person other than a registered real property appraiser
5 shall assume or use the title registered real property appraiser or
6 any title, designation, or abbreviation likely to create the
7 impression of credentialing as a registered real property appraiser
8 by this state. No person other than a licensed residential real
9 property appraiser shall assume or use the title licensed residential
10 real property appraiser or any title, designation, or abbreviation
11 likely to create the impression of credentialing as a licensed
12 residential real property appraiser by this state. No person other
13 than a certified residential real property appraiser shall assume or
14 use the title certified residential real property appraiser or any
15 title, designation, or abbreviation likely to create the impression
16 of credentialing as a certified residential real property appraiser
17 by this state. No person other than a certified general real property
18 appraiser shall assume or use the title certified general real
19 property appraiser or any title, designation, or abbreviation likely
20 to create the impression of credentialing as a certified general real
21 property appraiser by this state. No person other than a trainee real
22 property appraiser shall assume or use the title trainee real
23 property appraiser or any title, designation, or abbreviation likely
24 to create the impression of credentialing as a trainee real property
25 appraiser by this state. A real property appraiser shall state

1 whether he or she is a registered real property appraiser, licensed
2 residential real property appraiser, certified residential real
3 property appraiser, certified general real property appraiser, or
4 trainee real property appraiser whenever he or she identifies himself
5 or herself as a real property appraiser, including on all reports
6 which are signed individually or as cosigner.

7 (2) The terms real property associate, registered real
8 property appraiser, licensed residential real property appraiser,
9 certified residential real property appraiser, certified general real
10 property appraiser, and trainee real property appraiser may only be
11 used to refer to a person who is credentialed as such under the Real
12 Property Appraiser Act and may not be used following or immediately
13 in connection with the name or signature of a corporation,
14 partnership, limited liability company, firm, or other group or in
15 such manner that it might be interpreted as referring to a
16 corporation, partnership, limited liability company, firm, or other
17 group or to anyone other than the credential holder. This subsection
18 shall not be construed to prevent a credential holder from signing a
19 report on behalf of a corporation, partnership, limited liability
20 company, firm, or other group if it is clear that only the individual
21 holds the credential and that the corporation, partnership, limited
22 liability company, firm, or other group does not.

23 Sec. 41. Section 76-2237, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 76-2237 Each credential holder shall comply with the

1 Uniform Standards of Professional Appraisal Practice. The board shall
2 adopt and promulgate rules and regulations which conform to the
3 Uniform Standards of Professional Appraisal Practice. The board shall
4 review such rules and regulations annually. A copy of each such rule
5 or regulation ~~shall be transmitted electronically to each credential~~
6 ~~holder and~~ shall be made available on the board's web site.

7 Sec. 42. Section 76-2238, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 76-2238 The following acts and omissions shall be
10 considered grounds for disciplinary action or denial of an
11 application by the board:

12 (1) Failing to meet the minimum qualifications for
13 credentialing established by or pursuant to the Real Property
14 Appraiser Act;

15 (2) Procuring or attempting to procure a credential under
16 the act by knowingly making a false statement, submitting false
17 information, or making a material misrepresentation in an application
18 filed with the board or procuring or attempting to procure a
19 credential through fraud or misrepresentation;

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

23 (4) An act or omission involving real estate or appraisal
24 practice which constitutes dishonesty, fraud, or misrepresentation
25 with or without the intent to substantially benefit the credential

1 holder or another person or with the intent to substantially injure
2 another person;

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

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

9 (7) ~~Engaging in the business of real property appraising~~
10 Providing services as a credentialed real property appraiser or a
11 credentialed real property associate under an assumed or fictitious
12 name;

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

17 (9) Making a false or misleading statement in that
18 portion of a written ~~appraisal~~-report that deals with professional
19 qualifications or in any testimony concerning professional
20 qualifications;

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

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

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

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

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

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

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

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

23 (18) Failing to renew or surrendering an appraisal
24 credential, or any other registration, license, or certification held
25 by any other regulatory agency or in any other jurisdiction in lieu

1 of disciplinary action pending or threatened;

2 (19) Failing to report disciplinary action taken against
3 an appraisal credential, or any other registration, license, or
4 certification held for any other regulatory agency or in any other
5 jurisdiction within sixty days of receiving notice of such
6 disciplinary action;

7 ~~(18)~~(20) Failure to comply with terms of a consent
8 agreement or settlement agreement;

9 ~~(19)~~(21) Failure to submit or produce books, records,
10 documents, work files, ~~appraisal~~ reports, or other materials
11 requested by the board concerning any matter under investigation;

12 ~~(20)~~(22) Failure of an educational provider to produce
13 records, documents, reports, or other materials, including, but not
14 limited to, required student attendance reports, to the board;

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

24 ~~(21)~~(24) Presentation to the board of any check which is
25 returned to the State Treasurer unpaid, whether payment of fee is for

1 an initial or renewal credential or for examination; and

2 ~~(22)~~(25) Failure to pass the examination.

3 Sec. 43. Section 76-2239, Reissue Revised Statutes of
4 Nebraska, is amended to read:

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

1 board may contract with or use qualified individuals or companies.

2 (2)(a) If an investigation indicates that a ~~credential~~
3 ~~holder person~~ may have violated a provision of the act, the board may
4 offer the ~~credential holder person~~ an opportunity to voluntarily and
5 informally discuss the alleged violation before the board; ~~the~~
6 ~~board may enter into consent agreements or negotiate settlements.~~

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

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

1 hundred twenty days from the date that the answer is filed unless
2 such date is extended for good cause.

3 Sec. 44. Section 76-2241, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

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

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

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

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

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

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

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

1 (g) An inactive credential fee of no more than three
2 hundred dollars.

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

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

15 Sec. 45. Section 76-2242, Reissue Revised Statutes of
16 Nebraska, is amended to read:

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

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

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

5 Sec. 46. Section 76-2244, Reissue Revised Statutes of
6 Nebraska, is amended to read:

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

17 Sec. 47. Section 76-2245, Reissue Revised Statutes of
18 Nebraska, is amended to read:

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

1 or she was duly credentialed under the act in this state at all times
2 during the performance of such activities.

3 Sec. 48. Section 76-2246, Reissue Revised Statutes of
4 Nebraska, is amended to read:

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

15 Sec. 49. (1) No person shall improperly influence or
16 attempt to improperly influence, through coercion, extortion, or
17 bribery, the independent judgment of the real property appraiser or
18 real property associate or the development, reporting, result, or
19 review of a real property appraisal.

20 (2) Requesting that the real property appraiser or real
21 property associate consider the following is not prohibited:

22 (a) Examine additional, appropriate property information;

23 (b) Provide further detail, substantiation, or
24 explanation for the appraiser's or associate's value conclusion; or

25 (c) Correct errors in the report.

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

3 Sec. 50. Section 76-2247.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

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

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

23 Sec. 51. Section 76-2249, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 76-2249 (1) The board may prepare ~~a printed~~ an electronic

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

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

21 Sec. 52. Section 76-3202, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 76-3202 For purposes of the Nebraska Appraisal Management
24 Company Registration Act:

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

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

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

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

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

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

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

22 (4) Appraisal practice has the same meaning as in section
23 76-2205.01;

24 ~~(5) Appraisal report has the same meaning as in section~~
25 ~~76-2206;~~

1 ~~(6)~~-(5) Appraisal review means the act or process of
2 developing and communicating an opinion about the quality of another
3 appraiser's work that was performed as part of a real property
4 appraisal activity, except that a quality control examination of ~~an~~
5 ~~appraisal a~~ report shall not be an appraisal review;

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

10 ~~(8)~~-(7) Appraiser means an individual who holds a license
11 or certification as an appraiser and is expected to perform valuation
12 assignments competently and in a manner that is independent,
13 impartial, and objective;

14 ~~(9)~~-(8) Appraiser panel means a group of licensed or
15 certified independent appraisers that have been selected to perform
16 appraisal services for a third party;

17 ~~(10)~~-(9) Board means the Real Property Appraiser Board;

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

20 ~~(12)~~-(10) Controlling person means:

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

25 (b) An individual employed, appointed, or authorized by

1 an appraisal management company that has the authority to enter into
2 a contractual relationship with other persons for the performance of
3 services requiring registration as an appraisal management company
4 and that has the authority to enter into agreements with appraisers
5 for the performance of appraisals; or

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

9 ~~(13)~~ (11) Federal financial institution regulatory agency
10 means the Board of Governors of the Federal Reserve System, the
11 Federal Deposit Insurance Corporation, the Office of the Comptroller
12 of the Currency, the Office of Thrift Supervision, the National
13 Credit Union Administration, or the successor of any of such
14 agencies;

15 ~~(14)~~ (12) Federally related transaction means any real
16 estate-related financial transaction which:

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

20 (b) Requires the services of an appraiser;

21 ~~(15)~~ (13) Owned and controlled means direct or indirect
22 ownership or control of more than twenty-five percent of the voting
23 shares of an appraisal management company;

24 ~~(16)~~ (14) Person means an individual, firm, partnership,
25 limited partnership, limited liability company, association,

1 corporation, or other group engaged in joint business activities,
2 however organized;

3 ~~(17)~~—(15) Quality control examination means an
4 examination of ~~an appraisal a~~ report for compliance and completeness,
5 including grammatical, typographical, or other similar errors;

6 ~~(18)~~—(16) Real estate has the same meaning as in section
7 76-2214;

8 ~~(19)~~—(17) Real estate-related financial transaction means
9 any transaction involving:

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

13 (b) The refinancing of real property or interests in real
14 property; or

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

18 ~~(20)~~—(18) Real property has the same meaning as in
19 section 76-2217;

20 ~~(21)~~—(19) Real property appraisal activity has the same
21 meaning as in section 76-2215;

22 ~~(22)~~—(20) Relocation management company means a business
23 entity in which the preponderance of its business services include
24 relocation of employees as an agent or contracted service provider to
25 the employer for the purposes of determining an anticipated sales

1 price for the residence of an employee being relocated by the
2 employer;

3 (21) Report has the same meaning as in section 19 of this
4 act;

5 ~~(23)~~(22) Uniform Standards of Professional Appraisal
6 Practice has the same meaning as in section ~~76-2213.01~~24 of this
7 act; and

8 ~~(24)~~(23) Valuation assignment has the same meaning as in
9 section 76-2219.

10 Sec. 53. Original sections 76-2201, 76-2203, 76-2204,
11 76-2205.01, 76-2215, 76-2217.02, 76-2218, 76-2219, 76-2220, 76-2222,
12 76-2239, 76-2242, 76-2244, 76-2245, 76-2246, and 76-2247.01, Reissue
13 Revised Statutes of Nebraska, and sections 76-2202, 76-2206,
14 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2226, 76-2228.01, 76-2230,
15 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249,
16 and 76-3202, Revised Statutes Cumulative Supplement, 2012, are
17 repealed.

18 Sec. 54. The following sections are outright repealed:
19 Section 76-2211.01, Reissue Revised Statutes of Nebraska, and section
20 76-2229, Revised Statutes Cumulative Supplement, 2012.