

E AND R AMENDMENTS TO LB 139

Introduced by Hansen, 26, Chairman Enrollment and Review

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

3           Section 1. Section 76-2201, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5           76-2201 Sections 76-2201 to 76-2250 and sections 7 to 24, 27, 28, 31  
6 to 34, 36, 38, 39, 45, 55, 57, 68, and 71 of this act shall be known and  
7 may be cited as the Real Property Appraiser Act.

8           Sec. 2. Section 76-2202, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

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

19          Sec. 3. Section 76-2203, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21          76-2203 For purposes of the Real Property Appraiser Act, the  
22 definitions found in sections 76-2203.01 to 76-2219 and sections 7 to 24,  
23 27, 28, 31 to 34, 36, 38, and 39 of this act shall be used.

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

26          76-2204 Appraisal means (1) as a noun, an opinion of value or the  
27 act or process of developing an opinion of value or (2) as an adjective,

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

10 Sec. 5. Section 76-2205, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 76-2205 Appraisal Foundation means The the Appraisal Foundation that  
13 was incorporated as an Illinois not-for-profit corporation on November  
14 30, 1987.

15 Sec. 6. Section 76-2205.01, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 76-2205.01 Appraisal practice means valuation assignments or  
18 evaluation assignments services performed by a person an individual  
19 acting as a real property an appraiser, including, but not limited to,  
20 appraisal, and appraisal review assignments , or appraisal consulting.

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

25 Sec. 8. Appraiser Qualifications Board means the Appraiser  
26 Qualifications Board of the Appraisal Foundation.

27 Sec. 9. Assignment means (1) an agreement between a real property  
28 appraiser or real property associate and a client to perform a valuation  
29 service or (2) the valuation service that is performed as a consequence  
30 of such an agreement.

31 Sec. 10. Section 76-2208, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~76-2208~~ Board means the Real Property Appraiser Board.

3 Sec. 11. Section 76-2210, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 ~~76-2210~~ Certified general real property appraiser means a person who  
6 holds a valid credential as a certified general real property appraiser  
7 issued under the Real Property Appraiser Act.

8 Sec. 12. Section 76-2210.01, Reissue Revised Statutes of Nebraska,  
9 is amended to read:

10 ~~76-2210.01~~ Certified real property appraiser means a person who  
11 holds a valid credential as a certified general real property appraiser  
12 or a valid credential as a certified residential real property appraiser  
13 issued under the Real Property Appraiser Act.

14 Sec. 13. Section 76-2210.02, Reissue Revised Statutes of Nebraska,  
15 is amended to read:

16 ~~76-2210.02~~ Certified residential real property appraiser means a  
17 person who holds a valid credential as a certified residential real  
18 property appraiser issued under the Real Property Appraiser Act.

19 Sec. 14. Client means the person or persons who engage, by  
20 employment or contract, a real property appraiser or real property  
21 associate in a specific assignment. The client may engage and communicate  
22 with the appraiser directly or through an agent.

23 Sec. 15. Section 76-2210.03, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 ~~76-2210.03~~ Completed application means an application for  
26 credentialing has been processed, all statutory requirements for a  
27 credential to be awarded have been met by the applicant, and all required  
28 documentation is submitted to the board for final consideration.

29 Sec. 16. Section 76-2211, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 ~~76-2211~~ Complex residential real property means residential property

1 in which the property to be appraised, the form of ownership, or the  
2 market conditions are complicated or atypical.

3 Sec. 17. Section 76-2211.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 ~~76-2211.02~~ Credential means a registration, license, or certificate.

6 Sec. 18. Credential holder means (1) any person who holds a valid  
7 credential (a) as a real property associate or (b) as a trainee real  
8 property appraiser, licensed real property appraiser, certified  
9 residential real property appraiser, or certified general real property  
10 appraiser and (2) any person who holds a temporary permit to engage in  
11 real property appraisal activity within this state.

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

16 Sec. 20. Section 76-2212, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 ~~76-2212~~ Evaluation assignment means an assignment that relates to  
19 the nature, quality, or utility of identified real estate or identified  
20 real property and ~~which~~ typically does not include an opinion of value.  
21 Evaluation assignment does not include reports prepared by experts from  
22 professional disciplines other than real property appraisal such as: A  
23 soil test or soil analysis of identified real estate prepared by a civil  
24 engineer; a title opinion or zoning analysis of identified real estate  
25 prepared by a lawyer; an architectural analysis of identified improved  
26 real estate prepared by an architect; and a property management analysis  
27 of identified improved real estate prepared by a property manager or  
28 property management consultant.

29 Sec. 21. Section 76-2212.01, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 ~~76-2212.01~~ Fifteen-hour National Uniform Standards of Professional

1 Appraisal Practice Course means the course as approved by the Appraiser  
2 Qualifications Board as of January 1, 2014, or the equivalent of the  
3 course as approved by the Real Property Appraiser Board.

4 Sec. 22. Section 76-2212.02, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 ~~76-2212.02~~ Financial Institutions Reform, Recovery, and Enforcement  
7 Act of 1989 means the act as it existed on January 1, 2014.

8 Sec. 23. Instructor means a person approved by the board that meets  
9 or exceeds the instructor requirements specified in the Real Property  
10 Appraiser Act and rules and regulations of the board and is responsible  
11 for ensuring that the education activity content is communicated to the  
12 activity's audience as presented to the board for approval and that the  
13 education activity contributes to the quality of real property valuation  
14 services provided to the public. A person that communicates assigned  
15 materials or a portion of the education activity content under the  
16 authorization of the education provider, but is not responsible for the  
17 education activity content, is not an instructor.

18 Sec. 24. Jurisdiction means a state of the United States, the  
19 District of Columbia, Puerto Rico, the United States Virgin Islands, or  
20 any territory or insular possession subject to the jurisdiction of the  
21 United States.

22 Sec. 25. Section 76-2212.03, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 76-2212.03 Jurisdiction of practice means any jurisdiction state,  
25 territory, or the District of Columbia in which an appraiser devotes his  
26 or her time engaged in real property appraisal activity.

27 Sec. 26. Section 76-2213, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 76-2213 Licensed residential real property appraiser means a person  
30 who holds a valid credential as a licensed residential real property  
31 appraiser issued under the Real Property Appraiser Act.—Licensed

1 ~~residential real property appraiser includes persons defined as licensed~~  
2 ~~real property appraisers prior to April 15, 2010.~~

3       Sec. 27. Person means an individual or a firm, a partnership, a  
4 limited partnership, a limited liability company, an association, a  
5 corporation, or any other group engaged in joint business activities,  
6 however organized.

7       Sec. 28. Section 76-2217, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       ~~76-2217~~ Real property means one or more defined interests, benefits,  
10 or rights inherent in the ownership of real estate.

11       Sec. 29. Section 76-2215, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

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

23       Sec. 30. Section 76-2216, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

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

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

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

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

1           Sec. 31. Real property associate means a person who holds a valid  
2 credential as a real property associate issued under the Real Property  
3 Appraiser Act and:

4           (1) Who performs valuation services pursuant to subsection (3) of  
5 section 45 of this act;

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

8           (3) Who offers, attempts, or agrees to perform or performs valuation  
9 services pursuant to subsection (3) of section 45 of this act.

10          Sec. 32. Section 76-2206, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

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

19          Sec. 33. Scope of work means the type and extent of research and  
20 analyses in a valuation assignment, evaluation assignment, or appraisal  
21 review assignment.

22          Sec. 34. Section 76-2217.04, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24          ~~76-2217.04~~ Trainee real property appraiser means a person who holds  
25 a valid credential as a trainee real property appraiser issued under the  
26 Real Property Appraiser Act.

27          Sec. 35. Section 76-2218, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29          76-2218 (1) Except as provided in subsections (2) and (3) of this  
30 section, two-year ~~Two-year~~ continuing education period means the a period  
31 of twenty-four months commencing on January 1 and completed on December

1 ~~31 of the following year following the date of credentialing under the~~  
2 ~~Real Property Appraiser Act and each succeeding twenty-four month period.~~

3 (2) In the case of new credential holders credentialed prior to July  
4 1, two-year continuing education period means the period commencing on  
5 the date of initial credentialing and completed on December 31 of the  
6 following year.

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

10 Sec. 36. Section 76-2213.01, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

12 ~~76-2213.01~~ Uniform Standards of Professional Appraisal Practice  
13 means the standards promulgated by the Appraisal Foundation as the  
14 standards existed on January 1, 2014.

15 Sec. 37. Section 76-2219, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 76-2219 Valuation assignment means:

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

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

22 Sec. 38. Valuation services means all services pertaining to  
23 aspects of property value, including services performed by both real  
24 property appraisers and real property associates.

25 Sec. 39. Workfile means documentation necessary to support a real  
26 property appraiser's analyses, opinion, and conclusions as it applies to  
27 an assignment.

28 Sec. 40. Section 76-2220, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 76-2220 (1) Except as provided in section 76-2221, it shall be  
31 unlawful for anyone to act as a real property appraiser or real property



1 associate in this state without first obtaining proper credentialing as  
2 required under the Real Property Appraiser Act.

3 (2) Except as provided in section 76-2221, any person who, directly  
4 or indirectly for another, offers, attempts, or agrees to perform any act  
5 described in section 76-2216 shall be deemed a real property appraiser  
6 and any person who, directly or indirectly for another, offers, attempts,  
7 or agrees to perform any act described in section 31 of this act shall be  
8 deemed a real property associate, within the meaning of the Real Property  
9 Appraiser Act, and such action shall constitute sufficient contact with  
10 this state for the exercise of personal jurisdiction over such person in  
11 any action arising out of such act. Committing a single act described in  
12 such sections by a person required to be credentialed under the Real  
13 Property Appraiser Act and not so credentialed shall constitute a  
14 violation of the act for which the board may impose sanctions pursuant to  
15 this section for the protection of the public health, safety, or welfare.

16 (3) The board may issue a cease and desist order against any person  
17 who violates this section by performing any action described in section  
18 76-2216 or section 31 of this act without the appropriate credential.  
19 Such order shall be final ten days after issuance unless such person  
20 requests a hearing pursuant to section 76-2240. The board may, through  
21 the Attorney General, obtain an order from the district court for the  
22 enforcement of the cease and desist order.

23 Sec. 41. Section 76-2221, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 76-2221 The Real Property Appraiser Act shall not apply to:

26 (1) Any real property appraiser who is a salaried employee of (a)  
27 the federal government, (b) any agency of the state government or a  
28 political subdivision which appraises real estate, (c) any insurance  
29 company authorized to do business in this state, or (d) any bank, savings  
30 bank, savings and loan association, building and loan association, credit  
31 union, or small loan company licensed by this ~~the~~ state or supervised or

1 regulated by or through federal enactments covering financial  
2 institutions, except that any employee of the entities listed in  
3 subdivisions (a) through (d) of this subdivision who signs a ~~an appraisal~~  
4 report as a credentialed real property appraiser shall be subject to the  
5 act and the Uniform Standards of Professional Appraisal Practice. Any  
6 salaried employee of the entities listed in subdivisions (a) through (d)  
7 of this subdivision who does not sign a ~~an appraisal~~ report as a  
8 credentialed real property appraiser shall include the following  
9 disclosure prominently with such report: This opinion of value may not  
10 meet the minimum standards contained in the Uniform Standards of  
11 Professional Appraisal Practice and is not governed by the Real Property  
12 Appraiser Act;

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

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

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

30 (5) Any owner of real estate, employee of the owner, or attorney  
31 licensed to practice law in this state ~~the State of Nebraska~~ representing

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

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

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

26 Sec. 42. Section 76-2222, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 76-2222 (1) The Real Property Appraiser Board is hereby created. The  
29 board shall consist of five members. One ~~one~~ member who is a certified  
30 real property appraiser shall be selected from each of the three  
31 congressional districts, and two members shall be selected at large. The

1 two members selected at large shall include one representative of  
2 financial institutions and one licensed real estate broker who also holds  
3 a credential as a licensed or certified real property appraiser. The  
4 Governor shall appoint the members of the board. The members shall be  
5 appointed so that the membership of the board selected from the  
6 congressional districts includes at least two certified general real  
7 property appraisers.

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

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

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

20 (5) Each member of the board shall receive a per diem of one hundred  
21 dollars per day or substantial part of a day (a) for each scheduled  
22 meeting of the board or a committee of the board at which the member is  
23 present and (b) actually spent in traveling to and from and attending  
24 meetings and conferences of the Association of Appraiser Regulatory  
25 Officials and its committees and subcommittees or of the Appraisal  
26 Foundation and its committees and subcommittees, board committee  
27 meetings, or other business as authorized by the board.

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

1           Sec. 43. Section 76-2223, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           76-2223 (1) The Real Property Appraiser Board shall administer and  
4 enforce the Real Property Appraiser Act and may:

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

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

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

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

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

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

29           (g) Issue subpoenas to compel the attendance of witnesses and the  
30 production of books, documents, records, and other papers, administer  
31 oaths, and take testimony and require submission of and receive evidence

1 concerning all matters within its jurisdiction. In case of disobedience  
2 of a subpoena, the Real Property Appraiser Board may make application to  
3 the district court of Lancaster County to require the attendance and  
4 testimony of witnesses and the production of documentary evidence. If any  
5 person fails to obey an order of the court, he or she may be punished by  
6 the court as for contempt thereof;

7 (h) Deny an application or ~~7~~ censure, suspend, or revoke a an  
8 ~~application or~~ credential if it finds that the applicant or credential  
9 holder has committed any of the acts or omissions set forth in section  
10 76-2238 or otherwise violated the act. Any disciplinary matter may be  
11 resolved through informal disposition pursuant to section 84-913;

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

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

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

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

25 (m) Adopt and promulgate rules and regulations to carry out the act.  
26 The rules and regulations may include provisions establishing minimum  
27 standards for education providers ~~schools~~, courses, and instructors. The  
28 rules and regulations shall be adopted and promulgated pursuant to the  
29 Administrative Procedure Act; and

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

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

3           Sec. 44. Section 76-2227, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5           76-2227 (1) Applications for credentials, including authorization to  
6 take the appropriate examination, and for renewal of credentials shall be  
7 made in writing to the board on forms approved by the board. The payment  
8 of the appropriate fee in an amount established ~~fixed~~ by the board  
9 pursuant to section 76-2241 shall accompany all applications.

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

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

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

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

28           ~~(6 5)~~ No credential shall be issued to a person other than an  
29 individual corporation, partnership, limited liability company, firm, or  
30 group.

31           Sec. 45. (1) To qualify for a credential as a real property

1 associate, an applicant shall:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Sec. 46. Section 76-2228, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 76-2228 There shall be four ~~five~~ classes of credentials issued to  
24 real property appraisers as follows:

25 (1) Trainee real property appraiser, which classification shall  
26 consist of those persons who meet the requirements set forth in section  
27 76-2228.01;

28 ~~(2) Registered real property appraiser, which classification shall~~  
29 ~~consist of those persons who meet the requirements set forth in section~~  
30 ~~76-2229.01;~~

31 (2 3) Licensed residential real property appraiser, which

1 classification shall consist of those persons who meet the requirements  
2 set forth in section 76-2230;

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

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

9 Sec. 47. Section 76-2228.01, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

11 76-2228.01 (1) To qualify for a credential as a trainee real  
12 property appraiser, an applicant shall:

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

14 (b) Hold a high school diploma or a certificate of high school  
15 equivalency or have education acceptable to the Real Property Appraiser  
16 Board;

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

1 or by correspondence. Each course shall include an examination pertinent  
2 to the material presented. Except for the fifteen-hour National Uniform  
3 Standards of Professional Appraisal Practice Course, all class hours  
4 shall be completed within the five-year period immediately preceding  
5 submission of the application; or

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

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

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

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

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

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

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

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

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

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

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

22 (2) Prior to engaging in appraisal practice or real property  
23 appraisal activity, a trainee real property appraiser shall submit a  
24 written request for supervisory appraiser approval on a form approved by  
25 the board. The request for supervisory appraiser approval may be made at  
26 the time of application or any time after approval as a trainee real  
27 property appraiser.

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

30 (a) Submit two copies of legible ink-rolled fingerprint cards or  
31 equivalent electronic fingerprint submissions to the Real Property

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

7 (b) Within the twelve months following approval of the applicant's  
8 education and experience by the Real Property Appraiser Board for an  
9 upgraded credential, pass an appropriate examination approved by the  
10 Appraiser Qualifications Board for that upgraded credential, prescribed  
11 by rules and regulations ~~rule or regulation~~ of the Real Property  
12 Appraiser Board, and administered by a contracted testing service.

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

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

17 (b) Successfully complete and pass examination for no fewer than  
18 seventy-five additional class hours in board-approved qualifying  
19 education courses as prescribed by rules and regulations ~~rule or~~  
20 ~~regulation~~ of the board, or hold a bachelor's degree in real estate from  
21 an accredited degree-awarding college or university pursuant to  
22 subdivision (1)(d)(ii) of section 76-2230; and

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

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

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

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

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

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

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

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

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

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

18 (7) The scope of practice for the trainee real property appraiser  
19 shall be limited to the appraisal of those properties that the  
20 supervisory certified real property appraiser is permitted to appraise by  
21 his or her current credential and that the supervisory appraiser is  
22 competent to appraise.

23 Sec. 48. Section 76-2228.02, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 76-2228.02 (1) Each trainee real property appraiser's experience  
26 shall be subject to direct supervision by a supervisory appraiser. To  
27 qualify as a supervisory appraiser, a real property appraiser shall:

28 (a) Be a certified residential real property appraiser or certified  
29 general real property appraiser in good standing;

30 (b) Have held a certified real property appraiser credential for a  
31 minimum of three years immediately preceding the date of the written

1 request for approval as supervisory appraiser;

2 (c) Have not successfully completed disciplinary action by the board  
3 or any other jurisdiction, which action limited the real property  
4 appraiser's legal eligibility to engage in real property appraisal  
5 activity within three years immediately preceding the date the written  
6 request for approval as supervisory appraiser is submitted by the  
7 applicant or trainee real property appraiser on a form approved by the  
8 board;

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

15 (e) Certify that he or she understands his or her responsibilities  
16 and obligations under the Real Property Appraiser Act as a supervisory  
17 appraiser and applies his or her signature to the written request for  
18 approval as supervisory appraiser submitted by the applicant or trainee  
19 real property appraiser.

20 (2) The supervisory appraiser shall be responsible for the training  
21 and direct supervision of the trainee real property appraiser's  
22 experience by:

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

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

27 (c) Personally inspecting each appraised property with the trainee  
28 real property appraiser as is consistent with his or her scope of  
29 practice until the supervisory appraiser determines that the trainee real  
30 property appraiser is competent in accordance with the competency rule of  
31 the Uniform Standards of Professional Appraisal Practice.



1 (3) A certified real property appraiser disciplined by the board or  
2 any other appraiser regulatory agency in another jurisdiction, which  
3 discipline may or may not have limited the real property appraiser's  
4 legal eligibility to engage in real property appraisal activity, shall  
5 not be eligible as a supervisory appraiser as of the date disciplinary  
6 action was imposed against the appraiser by the board or any other  
7 appraiser regulatory agency. The certified real property appraiser shall  
8 be considered to be in good standing and eligible as a supervisory  
9 appraiser upon the successful completion of disciplinary action that does  
10 not limit the real property appraiser's legal eligibility to engage in  
11 real property appraisal activity, or three years after the successful  
12 completion of disciplinary action that limits the real property  
13 appraiser's legal eligibility to engage in real property appraisal  
14 activity.

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

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

21 Sec. 49. Section 76-2230, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 76-2230 (1) To qualify for a credential as a licensed residential  
24 real property appraiser, an applicant shall:

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

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

28 (ii) Successfully complete thirty semester hours of college-level  
29 education, from an accredited degree-awarding community college, college,  
30 or university. If an accredited degree-awarding community college,  
31 college, or university accepts the College-Level Examination Program and

1 examinations and issues a transcript for the examination showing its  
2 approval, it will be considered as credit for the college course;

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

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

6 (ii) The American Association of Collegiate Registrars and  
7 Admissions Officers;

8 (iii) A foreign degree credential evaluation service company that is  
9 a member of the National Association of Credential Evaluation Services;

10 or

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

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

31 (ii) Hold a bachelor's degree or higher in real estate from an

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

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

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

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

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

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

31 (ii) Any crime of fraud, dishonesty, breach of trust, money

1 laundering, misrepresentation, or deceit involving real estate, financial  
2 services, or in the making of an appraisal within the five-year period  
3 immediately preceding the date of application; or

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

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

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

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

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

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

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

9 (b) Within the twelve months following approval of the applicant's  
10 education and experience by the Real Property Appraiser Board for an  
11 upgraded credential, pass an appropriate examination approved by the  
12 Appraiser Qualifications Board for that upgraded credential, prescribed  
13 by rules and regulations ~~rule or regulation~~ of the Real Property  
14 Appraiser Board, and administered by a contracted testing service.

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

17 (a) Meet the postsecondary educational requirements pursuant to  
18 subdivisions ~~subdivision~~ (1)(b) and (c) of section 76-2231.01;

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

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

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

29 (a) Meet the postsecondary educational requirements pursuant to  
30 subdivisions ~~subdivision~~ (1)(b) and (c) of section 76-2232;

31 (b) Successfully complete and pass examination for no fewer than one

1 hundred fifty additional class hours in board-approved qualifying  
2 education courses as prescribed by rules and regulations ~~rule or~~  
3 ~~regulation~~ of the board, or hold a bachelor's degree in real estate from  
4 an accredited degree-awarding college or university pursuant to  
5 subdivision (1)(d)(ii) of section 76-2232; and

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

8 (5) An appraiser holding a valid licensed residential real property  
9 appraiser credential shall satisfy the requirements for the trainee real  
10 property appraiser credential for a downgraded credential.

11 (6) The scope of practice for a licensed residential real property  
12 appraiser shall be limited to the appraisal of, and review of appraisal  
13 of, noncomplex residential real property having no more than four units,  
14 if any, with a transaction value of less than one million dollars and  
15 complex residential real property having no more than four units, with a  
16 transaction value of less than two hundred fifty thousand dollars. The  
17 appraisal of subdivisions for which a development analysis or appraisal  
18 is necessary is not included in the scope of practice for a licensed  
19 residential real property appraiser.

20 Sec. 50. Section 76-2231.01, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 76-2231.01 (1) To qualify for a credential as a certified  
23 residential real property appraiser, an applicant shall:

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

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

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

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

30 (ii) The American Association of Collegiate Registrars and  
31 Admissions Officers;

1 (iii) A foreign degree credential evaluation service company that is  
2 a member of the National Association of Credential Evaluation Services;  
3 or

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

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

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

1 (e) Have no fewer than two thousand five hundred hours of experience  
2 as prescribed by rules and regulations ~~rule or regulation~~ of the Real  
3 Property Appraiser Board. The required experience shall be acceptable to  
4 the Real Property Appraiser Board and subject to review and determination  
5 as to conformity with the Uniform Standards of Professional Appraisal  
6 Practice. The experience shall have occurred during a period of no fewer  
7 than twenty-four months. If requested, evidence acceptable to the Real  
8 Property Appraiser Board concerning the experience shall be presented by  
9 the applicant in the form of written reports or file memoranda;

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

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

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

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

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

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

31 (i) Certify that no civil judicial actions, including dismissal with



1 settlement, in connection with real estate, financial services, or in the  
2 making of an appraisal have been brought against him or her within the  
3 five-year period immediately preceding the date of application;

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

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

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

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

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

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

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

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

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

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

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

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

26 (5) The scope of practice for a certified residential real property  
27 appraiser shall be limited to the appraisal of, and review of appraisal  
28 of, residential property having no more than four residential units,  
29 without regard to transaction value or complexity. The appraisal of  
30 subdivisions for which a development analysis or appraisal is necessary,  
31 is not included in the scope of practice for a certified residential real

1 property appraiser.

2 Sec. 51. Section 76-2232, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 76-2232 (1) To qualify for a credential as a certified general real  
5 property appraiser, an applicant shall:

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

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

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

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

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

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

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

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

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

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

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

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

30 (g) Certify that his or her appraiser credential, or any other  
31 registration, license, or certification, held for any other regulatory

1 agency or in any other jurisdiction, has not been revoked or suspended  
2 within the five-year period immediately preceding the date of  
3 application;

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

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

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

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

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

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

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

29 (l) Within the twelve months following approval of the applicant's  
30 education and experience by the Real Property Appraiser Board, pass a  
31 certified general real property appraiser examination, approved by the

1 Appraiser Qualifications Board, prescribed by rules and regulations ~~rule~~  
2 ~~or regulation~~ of the Real Property Appraiser Board, and administered by a  
3 contracted testing service.

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

12 (3) The scope of practice for the certified general real property  
13 appraiser is the appraisal of all types of real property that appraiser  
14 is competent to appraise.

15 Sec. 52. Section 76-2233, Revised Statutes Cumulative Supplement,  
16 2014, is amended to read:

17 76-2233 (1) A person ~~An individual~~ currently credentialed to  
18 appraise real estate and real property under the laws of another  
19 jurisdiction may obtain a credential as a licensed residential real  
20 property appraiser, a certified residential real property appraiser, or a  
21 certified general real property appraiser by complying with all of the  
22 provisions of the Real Property Appraiser Act relating to the appropriate  
23 classification of credentialing.

24 (2) If, in the determination of the board, the applicant's  
25 jurisdiction of practice specified in an application for credentialing  
26 meets or exceeds the requirements of this state, and that jurisdiction is  
27 determined to be in compliance with Title XI of the Financial  
28 Institutions Reform, Recovery, and Enforcement Act of 1989, an applicant  
29 of such jurisdiction may, through reciprocity, become credentialed under  
30 the Real Property Appraiser Act.

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

1 (a) Submit evidence of experience as prescribed by rules and  
2 regulations ~~rule or regulation~~ of the board. The experience shall be  
3 acceptable to the board and subject to review and determination as to  
4 conformity with the Uniform Standards of Professional Appraisal Practice.  
5 If requested, evidence acceptable to the board concerning the experience  
6 shall be presented by the applicant in the form of written reports or  
7 file memoranda;

8 (b) Certify that disciplinary proceedings are not pending against  
9 him or her in any jurisdiction or state the nature of any pending  
10 disciplinary proceedings;

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

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

21 (e) Not have been convicted of, including a conviction based upon a  
22 plea of guilty or nolo contendere:

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

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

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

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

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

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

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

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

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

27 Sec. 53. Section 76-2233.01, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 76-2233.01 (1) A nonresident currently credentialed to appraise  
30 real estate and real property under the laws of another jurisdiction may  
31 obtain a temporary credential as a licensed residential real property



1 appraiser, a certified residential real property appraiser, or a  
2 certified general real property appraiser to engage in real property  
3 appraisal activity ~~perform a contract relating to the appraisal of real~~  
4 ~~estate or real property~~ in this state.

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

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

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

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

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

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

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

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

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

5       (4) A temporary credential issued under this section shall be  
6 expressly limited to a grant of authority to engage in real property  
7 appraisal activity ~~perform the appraisal work~~ required for an assignment  
8 by the contract for appraisal services in this state. Each temporary  
9 credential shall expire upon the completion of the assignment appraisal  
10 work required by the contract for appraisal services or upon the  
11 expiration of a period of six months from the date of issuance, whichever  
12 occurs first. A temporary credential may be renewed for one additional  
13 six-month period.

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

23       Sec. 54. Section 76-2233.02, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25       76-2233.02 (1) A credential issued under the Real Property Appraiser  
26 Act other than a temporary credential shall remain in effect until  
27 December 31 of the designated year unless surrendered, revoked,  
28 suspended, or canceled prior to such date. To renew a valid credential,  
29 the credential holder shall file an application on a form approved by the  
30 board and pay the appropriate ~~prescribed~~ renewal fee in an amount  
31 established by the board pursuant to section 76-2241. The credential

1 holder shall also pay the ~~and a~~ criminal history record check fee in an  
2 amount established by the board pursuant to section 76-2241 for  
3 maintenance of the random fingerprint audit program to the board not  
4 later than November 30 of the designated year. A credential may be  
5 renewed for one year or two years. In every second year of the two-year  
6 continuing education period renewal, as specified in section 76-2236,  
7 evidence of completion of continuing education requirements shall  
8 accompany renewal application or be on file with the board prior to  
9 renewal.

10 (2) The board shall establish a number of credential holders to be  
11 selected at random to submit, along with the application for renewal, two  
12 copies of legible ink-rolled fingerprint cards or equivalent electronic  
13 fingerprint submissions to the board for delivery to the Nebraska State  
14 Patrol in a form approved by both the Nebraska State Patrol and the  
15 Federal Bureau of Investigation. A fingerprint-based national criminal  
16 history record check shall be conducted through the Nebraska State Patrol  
17 and the Federal Bureau of Investigation with such record check to be  
18 carried out by the board.

19 (3) If a credential holder fails to apply and meet the requirements  
20 for renewal by November 30 of the designated year, such credential holder  
21 may obtain a renewal of such credential by satisfying all of the  
22 requirements for renewal and paying the appropriate a late processing fee  
23 in an amount established by the board pursuant to section 76-2241 if such  
24 late renewal takes place prior to July 1 of the following year. A  
25 credential holder selected at random to submit fingerprint cards or  
26 equivalent electronic fingerprints that has applied and met all other  
27 requirements for renewal prior to November 30 of the designated year  
28 shall not pay a late processing fee if fingerprint cards or equivalent  
29 electronic fingerprints are received prior to November 30 of the  
30 designated year. If a credential holder that first obtained his or her  
31 credential at the current level on or after November 1 fails to apply and

1 meet the requirements for renewal by December 31 of the designated year,  
2 such credential holder may obtain a renewal of such credential by  
3 satisfying all the requirements for renewal and paying a late processing  
4 fee if such late renewal takes place prior to July 1 of the following  
5 year. The board may refuse to renew any credential if the credential  
6 holder has continued to perform real property appraisal activities or  
7 other related activities in this state following the expiration of his or  
8 her credential. If a credential is not renewed prior to July 1, a  
9 credential holder shall reapply for credentialing and meet the current  
10 requirements in place at the time of application, except as provided in  
11 section 55 of this act.

12       Sec. 55. (1) A credential holder may request that his or her  
13 credential be placed on inactive status for a period not to exceed two  
14 years. Such requests shall be submitted to the board on an application  
15 form prescribed by the board. The payment of the appropriate fee in an  
16 amount established by the board pursuant to section 76-2241 shall  
17 accompany all applications for requests of inactive status.

18       (2) A credential holder whose credential is placed on inactive  
19 status shall not:

20       (a) Assume or use any title, designation, or abbreviation likely to  
21 create the impression that such person holds an active credential issued  
22 by the board; or

23       (b) Engage in appraisal practice or real property appraisal activity  
24 or act as a credentialed real property appraiser or real property  
25 associate.

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

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

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

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

18       Sec. 56. Section 76-2236, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20       76-2236 (1) Every credential holder shall furnish evidence to the  
21 board that he or she has satisfactorily completed no fewer than twenty-  
22 eight hours of approved continuing education activities in each two-year  
23 continuing education period. The continuing education period begins on  
24 January 1 of the next year for any credential holder who first obtained  
25 his or her credential at the current level on or after July 1. Hours of  
26 satisfactorily completed approved continuing education activities cannot  
27 be carried over from one two-year continuing education period to another.  
28 Evidence of successful completion of such continuing education activities  
29 for the two-year continuing education period, including passing  
30 examination if applicable, shall be submitted to the board in the manner  
31 prescribed by the board. No continuing education activity shall be less

1 than two hours in duration. A person who holds a temporary credential  
2 does not have to meet any continuing education requirements in the Real  
3 Property Appraiser Act.

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

8 (3) As prescribed by rules and regulations ~~rule or regulation~~ of the  
9 Real Property Appraiser Board and at least once every two years, the  
10 seven-hour National Uniform Standards of Professional Appraisal Practice  
11 Update Course as approved by the Appraiser Qualifications Board as of  
12 January 1, 2014, or the equivalent of the course as approved by the Real  
13 Property Appraiser Board, shall be included in the continuing education  
14 requirement of each credential holder. The seven-hour National Uniform  
15 Standards of Professional Appraisal Practice Update Course or an  
16 equivalent of the course as approved by the board shall:

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

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

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

25 (4) As prescribed by rules and regulations ~~rule or regulation~~ of the  
26 Real Property Appraiser Board ~~board~~ and at least once every four years,  
27 but not more than every two years, a seven-hour report writing update  
28 course, as approved by the board, shall be included in the continuing  
29 education requirement of each credential holder. The seven-hour report  
30 writing update course shall be taken in a classroom and not online or by  
31 correspondence.

1       (5) A continuing education activity conducted in another  
2 jurisdiction in which the activity is approved to meet the continuing  
3 education requirements for renewal of a credential in such other  
4 jurisdiction shall be accepted by the board if that jurisdiction has  
5 adopted and enforces standards for such continuing education activity  
6 that meet or exceed the standards established by the Real Property  
7 Appraiser Act and the rules and regulations of the board.

8       (6) The board may adopt a program of continuing education for  
9 individual credentials as long as the program is compliant with the  
10 Appraiser Qualifications Board's criteria specific to continuing  
11 education.

12       (7 5) No more than fourteen hours may be approved by the Real  
13 Property Appraiser Board ~~board~~ as continuing education in each two-year  
14 continuing education period for participation, other than as a student,  
15 in appraisal educational processes and programs, which includes teaching,  
16 program development, authorship of textbooks, or similar activities that  
17 are determined by the board to be equivalent to obtaining continuing  
18 education. Evidence of participation shall be submitted to the board upon  
19 completion of the appraisal educational process or program. No  
20 preapproval will be granted for participation in appraisal educational  
21 processes or programs.

22       (8 6) Qualifying education, as approved by the board, successfully  
23 completed by a credential holder to fulfill the class-hour requirement to  
24 upgrade to a higher classification than his or her current  
25 classification, shall be approved by the board as continuing education.

26       (9 7) Qualifying education, as approved by the board, taken by a  
27 credential holder not to fulfill the class-hour requirement to upgrade to  
28 a higher classification, shall be approved by the board as continuing  
29 education if the credential holder completes the examination.

30       (10 8) A board-approved seven-hour supervisory appraiser and trainee  
31 course successfully completed by a certified real property appraiser for

1 approval as a supervisory appraiser shall be approved by the board as  
2 continuing education no more than once during each two-year continuing  
3 education period.

4 (11 9) The Real Property Appraiser Board shall approve continuing  
5 education activities and instructors which it determines would protect  
6 the public by 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 requirements~~  
11 ~~in this state.~~

12 Sec. 57. Section 76-2229, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 ~~76-2229~~ (1)(a) No person other than a ~~registered~~ real property  
15 associate appraiser shall assume or use the title ~~registered~~ real  
16 property associate appraiser or any title, designation, or abbreviation  
17 likely to create the impression of credentialing as a ~~registered~~ real  
18 property associate appraiser by this state.

19 (b) No person other than a licensed residential real property  
20 appraiser shall assume or use the title licensed residential real  
21 property appraiser or any title, designation, or abbreviation likely to  
22 create the impression of credentialing as a licensed residential real  
23 property appraiser by this state.

24 (c) No person other than a certified residential real property  
25 appraiser shall assume or use the title certified residential real  
26 property appraiser or any title, designation, or abbreviation likely to  
27 create the impression of credentialing as a certified residential real  
28 property appraiser by this state.

29 (d) No person other than a certified general real property appraiser  
30 shall assume or use the title certified general real property appraiser  
31 or any title, designation, or abbreviation likely to create the



1 impression of credentialing as a certified general real property  
2 appraiser by this state.

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

7 (2) A real property appraiser shall state whether he or she is a  
8 ~~registered real property appraiser~~, licensed residential real property  
9 appraiser, certified residential real property appraiser, certified  
10 general real property appraiser, or trainee real property appraiser and  
11 include his or her board-issued credential number whenever he or she  
12 identifies himself or herself as a real property appraiser, including on  
13 all reports which are signed individually or as cosigner.

14 (3 2) The terms real property associate ~~registered real property~~  
15 ~~appraiser~~, licensed residential real property appraiser, certified  
16 residential real property appraiser, certified general real property  
17 appraiser, and trainee real property appraiser may only be used to refer  
18 to a person who is credentialed as such under the Real Property Appraiser  
19 Act and may not be used following or immediately in connection with the  
20 name or signature of a corporation, partnership, limited partnership,  
21 limited liability company, firm, or group or in such manner that it might  
22 be interpreted as referring to a corporation, partnership, limited  
23 partnership, limited liability company, firm, or group or to anyone other  
24 than the credential holder. This subsection ~~requirement~~ shall not be  
25 construed to prevent a credential holder from signing a ~~an appraisal~~  
26 report on behalf of a corporation, partnership, limited partnership,  
27 limited liability company, firm, or group if it is clear that only the  
28 person ~~individual~~ holds the credential and that the corporation,  
29 partnership, limited partnership, limited liability company, firm, or  
30 group does not.

31 Sec. 58. Section 76-2237, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 76-2237 Each credential holder shall comply with the Uniform  
3 Standards of Professional Appraisal Practice. The board ~~may shall~~ adopt  
4 and promulgate rules and regulations ~~which conform~~ to assist in the  
5 enforcement of the Uniform Standards of Professional Appraisal Practice.  
6 ~~The board shall review such rules and regulations annually. A copy of~~  
7 ~~each such rule or regulation shall be transmitted electronically to each~~  
8 ~~credential holder and shall be made available on the board's web site.~~

9 Sec. 59. Section 76-2238, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

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

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

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

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

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

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

30 (6) Conviction, including a conviction based upon a plea of guilty  
31 or nolo contendere, of any felony unless his or her civil rights have

1 been restored;

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

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

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

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

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

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

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

25 (14) Acceptance of a fee for performing a real property appraisal  
26 valuation assignment or evaluation assignment when the fee is or was  
27 contingent upon (a) the real property appraiser reporting a predetermined  
28 analysis, opinion, or conclusion, (b) the analysis, opinion, conclusion,  
29 or valuation reached, or (c) the consequences resulting from the  
30 appraisal;

31 (15) Failure or refusal to exercise reasonable diligence in

1 developing an appraisal, preparing a ~~an appraisal~~ report, or  
2 communicating an appraisal;

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

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

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

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

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

21 (21) Failure to report disciplinary action taken against an  
22 appraisal credential or any other registration, license, or certification  
23 held for any other regulatory agency or in any other jurisdiction within  
24 sixty days of receiving notice of such disciplinary action;

25 (22) Failure to comply with terms of a consent agreement or  
26 settlement agreement;

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

30 (24) Failure of an education ~~educational~~ provider to produce  
31 records, documents, reports, or other materials, including, but not

1 limited to, required student attendance reports, to the board;

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

10 (26 23) Presentation to the Real Property Appraiser Board board of  
11 any check which is returned to the State Treasurer unpaid, whether  
12 payment of fee is for an initial or renewal credential or for  
13 examination; and

14 (27 24) Failure to pass the examination.

15 Sec. 60. Section 76-2239, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 76-2239 (1) The board may, upon its own motion, and shall, upon the  
18 written complaint of any aggrieved person, cause an investigation to be  
19 made with respect to an alleged violation of the Real Property Appraiser  
20 Act by any credential holder or applicant for credentialing under the  
21 act. The board may revoke or suspend the credential or otherwise  
22 discipline a credential holder, revoke or suspend a qualifying or  
23 continuing education course or activity, or deny any application, or  
24 issue a cease and desist order for any violation of the Real Property  
25 Appraiser Act. Any disciplinary action taken against a credentialed real  
26 property appraiser, including any action that limits a credentialed real  
27 property appraiser's ability to practice, shall be reported to federal  
28 authorities as required by Title XI of the Financial Institutions Reform,  
29 Recovery, and Enforcement Act of 1989 of the acts or omissions set forth  
30 in section 76-2238. Violation of the act or the rules and regulations  
31 during a period of probation shall cause immediate execution of a

1 ~~suspension penalty~~. Upon receipt of information indicating that a person  
2 ~~credential holder~~ may have violated any provision of the Real Property  
3 Appraiser Act ~~act~~, the board shall make an investigation of the facts to  
4 determine whether or not there is evidence of a violation. If technical  
5 assistance is required, the board may contract with or use qualified  
6 ~~persons individuals or companies~~.

7 (2)(a) If an investigation indicates that a person ~~credential holder~~  
8 may have violated a provision of the act, the board may offer the person  
9 ~~credential holder~~ an opportunity to voluntarily and informally discuss  
10 the alleged violation before the board. The board may enter into consent  
11 agreements or negotiate settlements.

12 (b) If an investigation indicates that a person not holding a  
13 credential under the act has violated a provision of the act, the board  
14 may issue a cease and desist order or refer the investigation to the  
15 appropriate county attorney for the consideration of formal charges.

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

29 Sec. 61. Section 76-2241, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 76-2241 (1) The board shall charge and collect appropriate fees for

1 its services under the Real Property Appraiser Act as follows:

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

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

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

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

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

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

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

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

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

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

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

31 (2) All fees for credentialing through reciprocity shall be the same

1 as those paid by others pursuant to this section.

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

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

11 Sec. 62. Section 76-2242, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

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

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

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

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

27 Sec. 63. Section 76-2243, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

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



1 professional corporation in accordance with the Nebraska Professional  
2 Corporation Act.

3 Sec. 64. Section 76-2244, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

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

14 Sec. 65. Section 76-2245, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

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

25 Sec. 66. Section 76-2246, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

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

1 III misdemeanor and shall be ineligible to apply for credentialing under  
2 the act for a period of one year from the date of his or her conviction  
3 of such offense. The board may, in its discretion, credential such person  
4 within such one-year period upon application and after an administrative  
5 hearing.

6 Sec. 67. Section 76-2247.01, Reissue Revised Statutes of Nebraska,  
7 is amended to read:

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

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

25 Sec. 68. Whenever, in the judgment of the board, any person has  
26 engaged or is about to engage in any acts or practices which constitute  
27 or will constitute a violation of the Real Property Appraiser Act, the  
28 Attorney General may maintain an action in the name of the State of  
29 Nebraska, in the district court of the county in which such violation or  
30 threatened violation occurred, to abate and temporarily and permanently  
31 enjoin such acts and practices and to enforce compliance with the act.

1 The plaintiff shall not be required to give any bond nor shall any court  
2 costs be adjudged against the plaintiff.

3 Sec. 69. Section 76-2249, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 76-2249 (1) The board may prepare a ~~printed~~ directory showing the  
6 name and place of business of credential holders under the Real Property  
7 Appraiser Act which may be made available on the board's web site.  
8 Printed copies ~~. Copies~~ of the directory shall be made available to the  
9 public at such reasonable price per copy as may be fixed by the board.  
10 The directory ~~and~~ shall be provided to federal authorities as required by  
11 the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

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

23 Sec. 70. Section 76-2250, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 76-2250 The board may, upon payment of the appropriate a fee in an  
26 amount established by the board pursuant to section 76-2241 ~~specified in~~  
27 ~~its rules and regulations~~, issue a certificate of good standing to any  
28 credential holder under the Real Property Appraiser Act who is in good  
29 standing in this state.

30 Sec. 71. Beginning on the effective date of this act, there shall  
31 be a one-year moratorium on enforcement action by the board involving

1 mass appraisals conducted under the authority of any county assessor by  
2 employees or independent contractors.

3 Sec. 72. Section 76-3202, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 76-3202 For purposes of the Nebraska Appraisal Management Company  
6 Registration Act:

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

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

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

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

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

21 (c) To manage the process of having an appraisal performed,  
22 including providing administrative duties such as receiving appraisal  
23 orders and ~~appraisal~~ reports, submitting completed ~~appraisal~~ reports to  
24 creditors and underwriters, collecting fees from creditors and  
25 underwriters for appraisal services provided, and reimbursing appraisers  
26 for appraisal services performed; or

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

28 (4) Appraisal practice has the same meaning as in section  
29 76-2205.01;

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

31 (5) Appraisal review means the act or process of developing and

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

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

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

12 (8 9) Appraiser panel means a group of licensed or certified  
13 independent appraisers that have been selected to perform appraisal  
14 services for a third party;

15 (9 10) Board means the Real Property Appraiser Board;

16 ~~(11) Consulting service has the same meaning as in section~~  
17 ~~76-2211.01;~~

18 (10 12) Controlling person means:

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

23 (b) An individual employed, appointed, or authorized by an appraisal  
24 management company that has the authority to enter into a contractual  
25 relationship with other persons for the performance of services requiring  
26 registration as an appraisal management company and that has the  
27 authority to enter into agreements with appraisers for the performance of  
28 appraisals; or

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

1           (~~11 13~~) Federal financial institution regulatory agency means the  
2 Board of Governors of the Federal Reserve System, the Federal Deposit  
3 Insurance Corporation, the Office of the Comptroller of the Currency, the  
4 Office of Thrift Supervision, the National Credit Union Administration,  
5 or the successor of any of such agencies;

6           (~~12 14~~) Federally related transaction means any real estate-related  
7 financial transaction which:

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

10           (b) Requires the services of an appraiser;

11           (~~13 15~~) Owned and controlled means direct or indirect ownership or  
12 control of more than twenty-five percent of the voting shares of an  
13 appraisal management company;

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

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

20           (~~16 18~~) Real estate has the same meaning as in section 76-2214;

21           (~~17 19~~) Real estate-related financial transaction means any  
22 transaction involving:

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

25           (b) The refinancing of real property or interests in real property;  
26 or

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

29           (~~18 20~~) Real property has the same meaning as in section 28 of this  
30 act ~~76-2217~~;

31           (~~19 21~~) Real property appraisal activity has the same meaning as in

1 section 76-2215;

2 (20 22) Relocation management company means a business entity in  
3 which the preponderance of its business services include relocation of  
4 employees as an agent or contracted service provider to the employer for  
5 the purposes of determining an anticipated sales price for the residence  
6 of an employee being relocated by the employer;

7 (21) Report has the same meaning as in section 32 of this act;

8 (22 ~~23~~) Uniform Standards of Professional Appraisal Practice has the  
9 same meaning as in section 36 of this act ~~76-2213.01~~; and

10 (23 24) Valuation assignment has the same meaning as in section  
11 76-2219.

12 Sec. 73. Section 76-3204, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 76-3204 The Nebraska Appraisal Management Company Registration Act  
15 does not apply to:

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

20 (2) An appraisal management company that is owned and controlled by  
21 a financial institution regulated by a federal financial institution  
22 regulatory agency;

23 (3) An appraiser that enters into an agreement, written or oral,  
24 with an appraiser for the performance of appraisal services if upon the  
25 completion of the appraisal services the ~~appraisal~~ report is signed by  
26 both the appraiser who completed the appraisal services and the appraiser  
27 who requested the appraisal services; or

28 (4) A relocation management company.

29 Sec. 74. Section 76-3208, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 76-3208 An appraisal management company that applies to the board

1 for a registration to do business in this state as an appraisal  
2 management company shall not:

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

7 (2) Knowingly enter into any independent contractor arrangement to  
8 perform appraisal services, whether in verbal, written, or other form,  
9 with any individual who has had a license or certificate to act as an  
10 appraiser in this state or in any other state refused, denied, canceled,  
11 surrendered in lieu of revocation, or revoked; or

12 (3) Knowingly prohibit an appraiser from including within the body  
13 of a ~~an appraisal~~ report that is submitted by the appraiser to the  
14 appraisal management company or its assignee the fee that the appraiser  
15 was paid by the appraisal management company for the performance of the  
16 ~~appraisal~~ report.

17 Sec. 75. Section 76-3213, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 76-3213 An appraisal management company may not alter, modify, or  
20 otherwise change a completed ~~appraisal~~ report submitted by an appraiser  
21 without the appraiser's written consent.

22 Sec. 76. Section 76-3215, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 76-3215 (1) Each appraisal management company registered in this  
25 state, except in cases of noncompliance with the conditions of the  
26 engagement, shall make payment of fees to an appraiser for the completion  
27 of an appraisal or valuation assignment within sixty days after the date  
28 on which the appraiser transmits or otherwise provides the completed  
29 ~~appraisal~~ report or valuation assignment to the appraisal management  
30 company or its assignee.

31 (2) Except within the first ninety days after an appraiser is first



1 added to the appraiser panel of an appraisal management company, an  
2 appraisal management company may not remove the appraiser from the  
3 appraiser panel of the appraisal management company or otherwise refuse  
4 to assign requests for appraisal services to an appraiser on the  
5 appraiser panel without:

6 (a) Notifying the appraiser in writing of the reasons why the  
7 appraiser is being removed from the appraiser panel of the appraisal  
8 management company; and

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

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

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

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

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

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

28 (c) Make recommendations for action.

29 Sec. 77. Original sections 76-2204, 76-2205, 76-2205.01, 76-2208,  
30 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217,  
31 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244,

1 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of  
2 Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03,  
3 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01,  
4 76-2216, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01,  
5 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01,  
6 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202,  
7 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative  
8 Supplement, 2014, are repealed.

9       Sec. 78. The following sections are outright repealed: Sections  
10 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and  
11 section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.