

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 731

FINAL READING

Introduced by Johnson, 23.

Read first time January 06, 2016

Committee: Banking, Commerce and Insurance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Real Property Appraiser Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 residential real property appraiser.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 application;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 awarding college or university;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 application;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (27) Failure to pass the examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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