

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 139

Introduced by Johnson, 23.

Read first time January 09, 2015

Committee: Banking, Commerce and Insurance

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

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

3 76-2201 Sections 76-2201 to 76-2250 and sections 7, 8, 9, 10, 11,
4 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 33,
5 34, 35, 36, 37, 39, 41, 42, 48, 58, 60, and 71 of this act shall be known
6 and may be cited as the Real Property Appraiser Act.

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

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

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

20 76-2203 For purposes of the Real Property Appraiser Act, the
21 definitions found in sections 76-2203.01 to 76-2219 and sections 7, 8, 9,
22 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29,
23 30, 33, 34, 35, 36, 37, 39, 41, and 42 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,
28 pertaining to appraising and related functions such as appraisal practice
29 or real property appraisal activity. An appraisal must be numerically
30 expressed as a specific amount, as a range of numbers, or as a
31 relationship to a previous value opinion or numerical benchmark an

1 ~~analysis, opinion, or conclusion prepared by a real property appraiser~~
2 ~~relating to the value of specified interests in or aspects of identified~~
3 ~~real estate or identified real property. An appraisal may be classified~~
4 ~~by the nature of the assignment into either a valuation assignment or an~~
5 ~~evaluation assignment.~~

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

8 76-2205 Appraisal Foundation means The the Appraisal Foundation that
9 was incorporated as an Illinois not-for-profit corporation on November
10 30, 1987.

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

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

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

21 Sec. 8. Appraiser Qualifications Board means the Appraiser
22 Qualifications Board of the Appraisal Foundation.

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

27 Sec. 10. Automated valuation model means any computer software
28 program that analyzes data using an automated process. The program may
29 use regression, adaptive estimation, neural networking, expert reasoning,
30 and artificial intelligence.

31 Sec. 11. 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. 12. 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. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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. 20. 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. 21. Employee means any person who is employed on a permanent
17 basis and who devotes substantially all of his or her time to performing
18 services on behalf of an employer and whose compensation for the services
19 is in the form of salary, or its equivalent, paid by the employer.
20 Employee does not include an independent contractor.

21 Sec. 22. Section 76-2212, Reissue Revised Statutes of Nebraska, is
22 amended to read:

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

1 of identified improved real estate prepared by a property manager or
2 property management consultant.

3 Sec. 23. Section 76-2212.01, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 ~~76-2212.01~~ Fifteen-hour National Uniform Standards of Professional
6 Appraisal Practice Course means the course as approved by the Appraiser
7 Qualifications Board as of January 1, 2014, or the equivalent of the
8 course as approved by the Real Property Appraiser Board.

9 Sec. 24. Section 76-2212.02, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 ~~76-2212.02~~ Financial Institutions Reform, Recovery, and Enforcement
12 Act of 1989 means the act as it existed on January 1, 2014.

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

23 Sec. 26. Jurisdiction means a state of the United States, the
24 District of Columbia, Puerto Rico, the United States Virgin Islands, or
25 any territory or insular possession subject to the jurisdiction of the
26 United States.

27 Sec. 27. Section 76-2212.03, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 ~~76-2212.03~~ Jurisdiction of practice means any jurisdiction state,
30 territory, or the District of Columbia in which an appraiser devotes his
31 or her time engaged in real property appraisal activity.

1 Sec. 28. Section 76-2213, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 76-2213 Licensed residential real property appraiser means a person
4 who holds a valid credential as a licensed residential real property
5 appraiser issued under the Real Property Appraiser Act.—Licensed
6 residential real property appraiser includes persons defined as licensed
7 real property appraisers prior to April 15, 2010.

8 Sec. 29. Person means an individual or a firm, a partnership, a
9 limited partnership, a limited liability company, an association, a
10 corporation, or any other group engaged in joint business activities,
11 however organized.

12 Sec. 30. Section 76-2217, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 ~~76-2217~~ Real property means one or more defined interests, benefits,
15 or rights inherent in the ownership of real estate.

16 Sec. 31. Section 76-2215, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

28 Sec. 32. Section 76-2216, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 76-2216 Real property appraiser means a person who:

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

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

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

6 Sec. 33. Real property associate means a person who holds a valid
7 credential as a real property associate issued under the Real Property
8 Appraiser Act, and:

9 (1) Who performs valuation services pursuant to subsection (3) of
10 section 48 of this act;

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

13 (3) Who offers, attempts, or agrees to perform or performs valuation
14 services pursuant to subsection (3) of section 48 of this act.

15 Sec. 34. Section 76-2206, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

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

24 Sec. 35. Scope of work means the type and extent of research and
25 analyses in a valuation assignment, evaluation assignment, or appraisal
26 review assignment.

27 Sec. 36. Specialized knowledge means an advanced level of expertise
28 obtained through education and experience with respect to a specific
29 subject matter, which includes an advanced understanding of the
30 principles, practices, procedures, and methods applicable to the subject
31 matter, as well as the ability to apply such expertise to a problem

1 requiring an expertise that a real property appraiser could only obtain
2 through equivalent education and experience.

3 Sec. 37. Section 76-2217.04, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 ~~76-2217.04~~ Trainee real property appraiser means a person who holds
6 a valid credential as a trainee real property appraiser issued under the
7 Real Property Appraiser Act.

8 Sec. 38. Section 76-2218, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 76-2218 (1) Two-year continuing education period, except as
11 provided in subsections (2) and (3) of this section, means the a period
12 of twenty-four months commencing on January 1 and completed on December
13 31 of the following year following the date of credentialing under the
14 Real Property Appraiser Act and each succeeding twenty-four month period.

15 (2) In the case of new credential holders credentialed prior to July
16 1, two-year continuing education period means the period commencing on
17 the date of initial credentialing and completed on December 31 of the
18 following year.

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

22 Sec. 39. Section 76-2213.01, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 ~~76-2213.01~~ Uniform Standards of Professional Appraisal Practice
25 means the standards promulgated by the Appraisal Foundation as the
26 standards existed on January 1, 2014.

27 Sec. 40. Section 76-2219, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 76-2219 Valuation assignment means:

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

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

3 Sec. 41. Valuation services means all services pertaining to
4 aspects of property value, including services performed by both real
5 property appraisers and real property associates.

6 Sec. 42. Workfile means documentation necessary to support a real
7 property appraiser's analyses, opinion, and conclusions as it applies to
8 an assignment.

9 Sec. 43. Section 76-2220, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 76-2220 (1) Except as provided in section 76-2221, it shall be
12 unlawful for anyone to act as a real property appraiser or real property
13 associate in this state without first obtaining proper credentialing as
14 required under the Real Property Appraiser Act.

15 (2) Except as provided in section 76-2221, any person who, directly
16 or indirectly for another, offers, attempts, or agrees to perform any act
17 described in section 76-2216 shall be deemed a real property appraiser
18 and any person who, directly or indirectly for another, offers, attempts,
19 or agrees to perform any act described in section 33 of this act shall be
20 deemed a real property associate, within the meaning of the Real Property
21 Appraiser Act, and such action shall constitute sufficient contact with
22 this state for the exercise of personal jurisdiction over such person in
23 any action arising out of such act. Committing a single act described in
24 such sections by a person required to be credentialed under the Real
25 Property Appraiser Act and not so credentialed shall constitute a
26 violation of the act for which the board may impose sanctions pursuant to
27 this section for the protection of the public health, safety, or welfare.

28 (3) The board may issue a cease and desist order against any person
29 who violates this section by performing any action described in section
30 76-2216 or section 33 of this act without the appropriate credential.
31 Such order shall be final ten days after issuance unless such person

1 requests a hearing pursuant to section 76-2240. The board may, through
2 the Attorney General, obtain an order from the district court for the
3 enforcement of the cease and desist order.

4 Sec. 44. Section 76-2221, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 76-2221 The Real Property Appraiser Act shall not apply to:

7 (1)(a) Any person engaged in appraisal practice in his or her
8 capacity as an real property appraiser who is a salaried employee of (i
9 a) the federal government, (ii b) any agency of the state government or a
10 political subdivision ~~which appraises real estate,~~ (iii e) any insurance
11 company authorized to do business in this state, or (iv d) any bank,
12 savings bank, savings and loan association, building and loan
13 association, credit union, or small loan company licensed by this ~~the~~
14 state or supervised or regulated by or through federal enactments
15 covering financial institutions, ~~except that any~~

16 (b) Any employee of the entities listed in subdivisions (i) through
17 (iv) of subdivision (1)(a) of this section (a) through (d) of this
18 subdivision who signs a an appraisal report as a credentialed real
19 property appraiser shall be subject to the act and the Uniform Standards
20 of Professional Appraisal Practice.

21 (c) Any credentialed real property appraiser who is a salaried
22 employee of the entities listed in subdivisions (i) through (iv) of
23 subdivision (1)(a) of this section (a) through (d) of this subdivision
24 who does not sign a an appraisal report as a credentialed real property
25 appraiser shall include the following disclosure prominently with such
26 report: This opinion of value may not meet the minimum standards
27 contained in the Uniform Standards of Professional Appraisal Practice and
28 is not governed by the Real Property Appraiser Act;

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

30 (3) Any person who provides assistance (a) in obtaining the data
31 upon which an appraisal is based, (b) in the physical preparation of a an

1 ~~appraisal~~ report, such as taking photographs, preparing charts, maps, or
2 graphs, or typing or printing the report, or (c) that does not directly
3 involve the exercise of judgment in arriving at the analyses, opinions,
4 or conclusions concerning real estate or real property set forth in the
5 ~~appraisal~~ report;

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

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

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

31 (7) Any person appointed by a county board of equalization to act as

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

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

15 (9) Automated valuation models used by any person referred to in
16 this section, unless the output from an automated valuation model is
17 communicated as an analysis, conclusion, or opinion of value concerning
18 identified real estate or identified real property that implies the
19 exercise of judgment to the client, intended user, or the public.

20 Sec. 45. Section 76-2222, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 76-2222 (1) The Real Property Appraiser Board is hereby created. The
23 board shall consist of five members. One ~~one~~ member who is a certified
24 real property appraiser shall be selected from each of the three
25 congressional districts, and two members shall be selected at large. The
26 two members selected at large shall include one representative of
27 financial institutions and one licensed real estate broker who also holds
28 a credential as a licensed or certified real property appraiser. The
29 Governor shall appoint the members of the board. The members shall be
30 appointed so that the membership of the board selected from the
31 congressional districts includes at least two certified general real

1 property appraisers.

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

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

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

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

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

26 Sec. 46. Section 76-2223, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 76-2223 (1) The Real Property Appraiser Board shall administer and
29 enforce the Real Property Appraiser Act and may:

30 (a) Receive applications for credentialing under the act, process
31 such applications and regulate the issuance of credentials to qualified

1 applicants, and maintain a directory of the names and addresses of
2 persons who receive credentials under the act;

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

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

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

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

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

23 (g) Issue subpoenas to compel the attendance of witnesses and the
24 production of books, documents, records, and other papers, administer
25 oaths, and take testimony and require submission of and receive evidence
26 concerning all matters within its jurisdiction. In case of disobedience
27 of a subpoena, the Real Property Appraiser Board may make application to
28 the district court of Lancaster County to require the attendance and
29 testimony of witnesses and the production of documentary evidence. If any
30 person fails to obey an order of the court, he or she may be punished by
31 the court as for contempt thereof;

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

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

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

12 (k) Promote research and conduct studies relating to the profession
13 of real property appraisal, sponsor real property appraisal educational
14 activities, and incur, collect fees for, and pay the necessary expenses
15 in connection with activities which shall be open to all credential
16 holders;

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

19 (m) Adopt and promulgate rules and regulations to carry out the act.
20 The rules and regulations may include provisions establishing minimum
21 standards for education providers ~~schools~~, courses, and instructors. The
22 rules and regulations shall be adopted and promulgated pursuant to the
23 Administrative Procedure Act; and

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

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

28 Sec. 47. Section 76-2227, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 76-2227 (1) Applications for credentials, including authorization to
31 take the appropriate examination, and for renewal of credentials shall be

1 made in writing to the board on forms approved by the board. The payment
2 of the appropriate fee in an amount established ~~fixed~~ by the board
3 pursuant to section 76-2241 shall accompany all applications.

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

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

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

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

22 (6 5) No credential shall be issued to a person other than an
23 individual corporation, partnership, limited liability company, firm, or
24 group.

25 Sec. 48. (1) To qualify for a credential as a real property
26 associate, an applicant shall:

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

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

31 (B) Have successfully completed and passed examination for no fewer

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

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

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

29 (d) Certify that his or her appraiser credential, or any other
30 registration, license, or certification, held for any other regulatory
31 agency or in any other jurisdiction, has not been revoked or suspended

1 within the five-year period immediately preceding the date of
2 application;

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

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

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

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

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

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

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

28 (i) Within the twelve months following approval of the applicant's
29 education by the Real Property Appraiser Board, pass a licensed
30 residential real property appraiser examination, certified residential
31 real property appraiser examination, or certified general real property

1 appraiser examination, approved by the Appraiser Qualifications Board,
2 prescribed by rules and regulations of the Real Property Appraiser Board,
3 and administered by a contracted testing service.

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

8 (3) The scope of practice of a real property associate shall be
9 limited to valuation services not requiring a credential as a trainee
10 real property appraiser, licensed residential real property appraiser,
11 certified residential real property appraiser, or certified general real
12 property appraiser under the Real Property Appraiser Act.

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

15 Sec. 49. Section 76-2228, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 76-2228 There shall be ~~four~~ five classes of credentials issued to
18 real property appraisers as follows:

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

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

25 (2 3) Licensed residential real property appraiser, which
26 classification shall consist of those persons who meet the requirements
27 set forth in section 76-2230;

28 (3 4) Certified residential real property appraiser, which
29 classification shall consist of those persons who meet the requirements
30 set forth in section 76-2231.01; and

31 (4 5) Certified general real property appraiser, which

1 classification shall consist of those persons who meet the requirements
2 set forth in section 76-2232.

3 Sec. 50. Section 76-2228.01, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 76-2228.01 (1) To qualify for a credential as a trainee real
6 property appraiser, an applicant shall:

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

8 (b) Hold a high school diploma or a certificate of high school
9 equivalency or have education acceptable to the Real Property Appraiser
10 Board;

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

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

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

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

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

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

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

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

1 immediately preceding the date of application;

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

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

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

16 (2) Prior to engaging in appraisal practice or real property
17 appraisal activity, a trainee real property appraiser shall submit a
18 written request for supervisory appraiser approval on a form approved by
19 the board. The request for supervisory appraiser approval may be made at
20 the time of application or any time after approval as a trainee real
21 property appraiser.

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

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

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

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

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

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

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

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

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

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

31 (6) To qualify for a credential as a certified general real property

1 appraiser, a trainee real property appraiser shall:

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

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

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

12 (7) The scope of practice for the trainee real property appraiser
13 shall be limited to the appraisal of those properties that the
14 supervisory certified real property appraiser is permitted to appraise by
15 his or her current credential and that the supervisory appraiser is
16 competent to appraise.

17 Sec. 51. Section 76-2228.02, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 76-2228.02 (1) Each trainee real property appraiser's experience
20 shall be subject to direct supervision by a supervisory appraiser. To
21 qualify as a supervisory appraiser, a real property appraiser shall:

22 (a) Be a certified residential real property appraiser or certified
23 general real property appraiser in good standing;

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

27 (c) Have not successfully completed disciplinary action by the board
28 or any other jurisdiction, which action limited the real property
29 appraiser's legal eligibility to engage in real property appraisal
30 activity within three years immediately preceding the date the written
31 request for approval as supervisory appraiser is submitted by the

1 applicant or trainee real property appraiser on a form approved by the
2 board;

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

9 (e) Certify that he or she understands his or her responsibilities
10 and obligations under the Real Property Appraiser Act as a supervisory
11 appraiser and applies his or her signature to the written request for
12 approval as supervisory appraiser submitted by the applicant or trainee
13 real property appraiser.

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

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

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

21 (c) Personally inspecting each appraised property with the trainee
22 real property appraiser as is consistent with his or her scope of
23 practice until the supervisory appraiser determines that the trainee real
24 property appraiser is competent in accordance with the competency rule of
25 the Uniform Standards of Professional Appraisal Practice.

26 (3) A certified real property appraiser disciplined by the board or
27 any other appraiser regulatory agency in another jurisdiction, which
28 discipline may or may not have limited the real property appraiser's
29 legal eligibility to engage in real property appraisal activity, shall
30 not be eligible as a supervisory appraiser as of the date disciplinary
31 action was imposed against the appraiser by the board or any other

1 appraiser regulatory agency. The certified real property appraiser shall
2 be considered to be in good standing and eligible as a supervisory
3 appraiser upon the successful completion of disciplinary action that does
4 not limit the real property appraiser's legal eligibility to engage in
5 real property appraisal activity, or three years after the successful
6 completion of disciplinary action that limits the real property
7 appraiser's legal eligibility to engage in real property appraisal
8 activity.

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

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

15 Sec. 52. Section 76-2230, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 76-2230 (1) To qualify for a credential as a licensed residential
18 real property appraiser, an applicant shall:

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

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

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

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

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

31 (ii) The American Association of Collegiate Registrars and

1 Admissions Officers;

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

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

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

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

1 to subdivision (d)(i) of this subsection;

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

11 (f) Certify that he or she has not surrendered an appraiser
12 credential, or any other registration, license, or certification, held
13 for 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 (g) Certify that his or her appraiser credential, or any other
17 registration, license, or certification, held for 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 (h) 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 (i) 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 (j) Demonstrate character and general fitness such as to command the
6 confidence and trust of the public;

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

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

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

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

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

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

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

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

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

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

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

31 (c) Meet the experience requirements pursuant to subdivision (1)(e)

1 of section 76-2232.

2 (5) An appraiser holding a valid licensed residential real property
3 appraiser credential shall satisfy the requirements for the trainee real
4 property appraiser credential for a downgraded credential.

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

14 Sec. 53. Section 76-2231.01, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 76-2231.01 (1) To qualify for a credential as a certified
17 residential real property appraiser, an applicant shall:

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

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

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

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

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

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

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

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

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

26 (e) Have no fewer than two thousand five hundred hours of experience
27 as prescribed by rules and regulations ~~rule or regulation~~ of the Real
28 Property Appraiser Board. The required experience shall be acceptable to
29 the Real Property Appraiser Board and subject to review and determination
30 as to conformity with the Uniform Standards of Professional Appraisal
31 Practice. The experience shall have occurred during a period of no fewer

1 than twenty-four months. If requested, evidence acceptable to the Real
2 Property Appraiser Board concerning the experience shall be presented by
3 the applicant in the form of written reports or file memoranda;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 54. Section 76-2232, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 76-2232 (1) To qualify for a credential as a certified general real
30 property appraiser, an applicant shall:

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

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

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 three hundred class hours in Real Property Appraiser Board-
16 approved qualifying education courses as prescribed by rules and
17 regulations ~~rule or regulation~~ of the Real Property Appraiser Board and
18 completed 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 three thousand hours of experience, of which
9 one thousand five hundred hours shall be in nonresidential appraisal
10 work, as prescribed by rules and regulations ~~rule or regulation~~ of the
11 Real Property Appraiser Board. The required experience shall be
12 acceptable to the Real Property Appraiser Board and subject to review and
13 determination as to conformity with the Uniform Standards of Professional
14 Appraisal Practice. The experience shall have occurred during a period of
15 no fewer than thirty months. If requested, evidence acceptable to the
16 Real Property Appraiser Board concerning the experience shall be
17 presented by the applicant in the form of written reports or file
18 memoranda;

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

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

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

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

1 restored;

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

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

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

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

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

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

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

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

6 (3) The scope of practice for the certified general real property
7 appraiser is the appraisal of all types of real property that appraiser
8 is competent to appraise.

9 Sec. 55. Section 76-2233, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 76-2233 (1) A person ~~An individual~~ currently credentialed to
12 appraise real estate and real property under the laws of another
13 jurisdiction may obtain a credential as a licensed residential real
14 property appraiser, a certified residential real property appraiser, or a
15 certified general real property appraiser by complying with all of the
16 provisions of the Real Property Appraiser Act relating to the appropriate
17 classification of credentialing.

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

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

26 (a) Submit evidence of experience as prescribed by rules and
27 regulations ~~rule or regulation~~ of the board. The experience shall be
28 acceptable to the board and subject to review and determination as to
29 conformity with the Uniform Standards of Professional Appraisal Practice.
30 If requested, evidence acceptable to the board concerning the experience
31 shall be presented by the applicant in the form of written reports or

1 file memoranda;

2 (b) Certify that disciplinary proceedings are not pending against
3 him or her in any jurisdiction or state the nature of any pending
4 disciplinary proceedings;

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

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

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

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

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

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

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

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

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

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

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

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

21 Sec. 56. Section 76-2233.01, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 76-2233.01 (1) A nonresident currently credentialed to appraise
24 real estate and real property under the laws of another jurisdiction may
25 obtain a temporary credential as a licensed residential real property
26 appraiser, a certified residential real property appraiser, or a
27 certified general real property appraiser to engage in real property
28 appraisal activity ~~perform a contract relating to the appraisal of real~~
29 ~~estate or real property~~ in this state.

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

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

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

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

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

15 (e 4) Certify that disciplinary proceedings are not pending against
16 the applicant in the ~~applicant's state of domicile or in any~~
17 jurisdiction, other jurisdiction or state the nature of any pending
18 disciplinary proceedings; and

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

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

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

30 (4) A temporary credential issued under this section shall be
31 expressly limited to a grant of authority to engage in real property

1 ~~appraisal activity perform the appraisal work~~ required for an assignment
2 ~~by the contract for appraisal services~~ in this state. Each temporary
3 credential shall expire upon the completion of the assignment appraisal
4 ~~work required by the contract for appraisal services~~ or upon the
5 expiration of a period of six months from the date of issuance, whichever
6 occurs first. A temporary credential may be renewed for one additional
7 six-month period.

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

17 Sec. 57. Section 76-2233.02, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 76-2233.02 (1) A credential issued under the Real Property Appraiser
20 Act other than a temporary credential shall remain in effect until
21 December 31 of the designated year unless surrendered, revoked,
22 suspended, or canceled prior to such date. To renew a valid credential,
23 the credential holder shall file an application on a form approved by the
24 board and pay the appropriate prescribed renewal fee in an amount
25 established by the board pursuant to section 76-2241. The credential
26 holder shall also pay the and a criminal history record check fee in an
27 amount established by the board pursuant to section 76-2241 for
28 maintenance of the random fingerprint audit program to the board not
29 later than November 30 of the designated year. A credential may be
30 renewed for one year or two years. In every second year of the two-year
31 continuing education period renewal, as specified in section 76-2236,

1 evidence of completion of continuing education requirements shall
2 accompany renewal application or be on file with the board prior to
3 renewal.

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

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

1 other related activities in this state following the expiration of his or
2 her credential. If a credential is not renewed prior to July 1, a
3 credential holder shall reapply for credentialing and meet the current
4 requirements in place at the time of application, except as provided in
5 section 58 of this act.

6 Sec. 58. (1) A credential holder may request that his or her
7 credential be placed on inactive status for a period not to exceed two
8 years. Such requests shall be submitted to the board on an application
9 form prescribed by the board. The payment of the appropriate fee in an
10 amount established by the board pursuant to section 76-2241 shall
11 accompany all applications for requests of inactive status.

12 (2) A credential holder whose credential is placed on inactive
13 status shall not:

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

17 (b) Engage in appraisal practice or real property appraisal
18 activity, or act as a credentialed real property appraiser or real
19 property associate.

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

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

30 (5) If a credential holder's credential expires during the inactive
31 period, an application for renewal of the credential shall accompany the

1 application for reinstatement. All requirements for renewal specified in
2 section 76-2233.02 shall be met, except for the requirement to pay a late
3 processing fee for applications received after November 30 of the
4 designated year.

5 (6) If a credential holder fails to reinstate his or her credential
6 to active status prior to the completion of the two-year period, his or
7 her credential will return to the status as if the credential was not
8 placed in an inactive status. If a credential holder's credential is
9 expired at the completion of the two-year period, the credential holder
10 shall reapply for credentialing and meet the current requirements in
11 place at the time of application.

12 Sec. 59. Section 76-2236, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

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

29 (2) No more than fourteen hours of approved continuing education
30 activities in each two-year continuing education period shall be taken
31 online or by correspondence. All online courses shall conform to the

1 Appraiser Qualifications Board's criteria.

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

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

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

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

19 (4) As prescribed by rules and regulations ~~rule or regulation~~ of the
20 board and at least once every four years, but not more than every two
21 years, a seven-hour report writing update course, as approved by the
22 board, shall be included in the continuing education requirement of each
23 credential holder. The seven-hour report writing update course shall be
24 taken in a classroom and not online or by correspondence.

25 (5) A continuing education activity conducted in another
26 jurisdiction in which the activity is approved to meet the continuing
27 education requirements for renewal of a credential in such other
28 jurisdiction, shall be accepted by the board if that jurisdiction has
29 adopted and enforces standards for such continuing education activity
30 that meet or exceed the standards established by the Real Property
31 Appraiser Act and the rules and regulations of the board.

1 (6) The board may adopt a program of continuing education for
2 individual credentials as long as the program is compliant with the
3 Appraiser Qualifications Board's criteria specific to continuing
4 education.

5 (7 5) No more than fourteen hours may be approved by the board as
6 continuing education in each two-year continuing education period for
7 participation, other than as a student, in appraisal educational
8 processes and programs, which includes teaching, program development,
9 authorship of textbooks, or similar activities that are determined by the
10 board to be equivalent to obtaining continuing education. Evidence of
11 participation shall be submitted to the board upon completion of the
12 appraisal educational process or program. No preapproval will be granted
13 for participation in appraisal educational processes or programs.

14 (8 6) Qualifying education, as approved by the board, successfully
15 completed by a credential holder to fulfill the class-hour requirement to
16 upgrade to a higher classification than his or her current
17 classification, shall be approved by the board as continuing education.

18 (9 7) Qualifying education, as approved by the board, taken by a
19 credential holder not to fulfill the class-hour requirement to upgrade to
20 a higher classification, shall be approved by the board as continuing
21 education if the credential holder completes the examination.

22 (10 8) A board-approved seven-hour supervisory appraiser and trainee
23 course successfully completed by a certified real property appraiser for
24 approval as a supervisory appraiser shall be approved by the board as
25 continuing education no more than once during each two-year continuing
26 education period.

27 (11 9) The Real Property Appraiser Board shall approve continuing
28 education activities and instructors which it determines would protect
29 the public by improving the competency of credential holders. ~~Evidence of~~
30 ~~completion of such continuing education activities for the two-year~~
31 ~~continuing education period may be submitted to the board as each~~

1 ~~activity is completed. A person who holds a temporary or reciprocal~~
2 ~~credential shall not have to meet any continuing education requirements~~
3 ~~in this state.~~

4 Sec. 60. Section 76-2229, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 ~~76-2229~~ (1)(a) No person other than a ~~registered~~ real property
7 ~~associate appraiser~~ shall assume or use the title ~~registered~~ real
8 property ~~associate appraiser~~ or any title, designation, or abbreviation
9 likely to create the impression of credentialing as a ~~registered~~ real
10 property ~~associate appraiser~~ by this state.

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

16 (c) No person other than a certified residential real property
17 appraiser shall assume or use the title certified residential real
18 property appraiser or any title, designation, or abbreviation likely to
19 create the impression of credentialing as a certified residential real
20 property appraiser by this state.

21 (d) No person other than a certified general real property appraiser
22 shall assume or use the title certified general real property appraiser
23 or any title, designation, or abbreviation likely to create the
24 impression of credentialing as a certified general real property
25 appraiser by this state.

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

30 (2) A real property appraiser shall state whether he or she is a
31 ~~registered real property appraiser,~~ licensed residential real property

1 appraiser, certified residential real property appraiser, certified
2 general real property appraiser, or trainee real property appraiser, and
3 include his or her board-issued credential number whenever he or she
4 identifies himself or herself as a real property appraiser, including on
5 all reports which are signed individually or as cosigner.

6 (3 2) The terms real property associate ~~registered real property~~
7 ~~appraiser~~, licensed residential real property appraiser, certified
8 residential real property appraiser, certified general real property
9 appraiser, and trainee real property appraiser may only be used to refer
10 to a person who is credentialed as such under the Real Property Appraiser
11 Act and may not be used following or immediately in connection with the
12 name or signature of a corporation, partnership, limited partnership,
13 limited liability company, firm, or group or in such manner that it might
14 be interpreted as referring to a corporation, partnership, limited
15 partnership, limited liability company, firm, or group or to anyone other
16 than the credential holder. This subsection ~~requirement~~ shall not be
17 construed to prevent a credential holder from signing a ~~an~~ appraisal
18 report on behalf of a corporation, partnership, limited partnership,
19 limited liability company, firm, or group if it is clear that only the
20 person ~~individual~~ holds the credential and that the corporation,
21 partnership, limited partnership, limited liability company, firm, or
22 group does not.

23 Sec. 61. Section 76-2237, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 76-2237 Each credential holder shall comply with the Uniform
26 Standards of Professional Appraisal Practice. The board may ~~shall~~ adopt
27 and promulgate rules and regulations ~~which conform~~ to assist in the
28 enforcement of the Uniform Standards of Professional Appraisal Practice.
29 ~~The board shall review such rules and regulations annually. A copy of~~
30 ~~each such rule or regulation shall be transmitted electronically to each~~
31 ~~credential holder and shall be made available on the board's web site.~~

1 Sec. 62. Section 76-2238, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 76-2238 The following acts and omissions shall be considered grounds
4 for disciplinary action or denial of an application by the board:

5 (1) ~~Failure~~ ~~Failing~~ to meet the minimum qualifications for
6 credentialing established by or pursuant to the Real Property Appraiser
7 Act;

8 (2) Procuring or attempting to procure a credential under the act by
9 knowingly making a false statement, submitting false information, or
10 making a material misrepresentation in an application filed with the
11 board or procuring or attempting to procure a credential through fraud or
12 misrepresentation;

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

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

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

22 (6) Convictionof, including a conviction based upon a plea of
23 guilty or nolo contendere, of any felony unless his or her civil rights
24 have been restored;

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

30 (8) Convictionof, including a conviction based upon a plea of
31 guilty or nolo contendere, of a crime which is related to the

1 qualifications, functions, or duties of a real property appraiser;

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

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

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

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

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

17 (14) Acceptance of a fee for performing a real property appraisal
18 valuation assignment or evaluation assignment when the fee is or was
19 contingent upon (a) the real property appraiser reporting a predetermined
20 analysis, opinion, or conclusion, (b) the analysis, opinion, conclusion,
21 or valuation reached, or (c) the consequences resulting from the
22 appraisal;

23 (15) Failure or refusal to exercise reasonable diligence in
24 developing an appraisal, preparing a ~~an appraisal~~ report, or
25 communicating an appraisal;

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

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

31 (18) Demonstrating negligence, incompetence, or unworthiness to act

1 as a real property appraiser or real property associate, whether of
2 the same or of a different character as otherwise specified in this
3 section;

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

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

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

18 (22) ~~(20)~~ Failure to comply with terms of a consent agreement or
19 settlement agreement;

20 (23) ~~(21)~~ Failure to submit or produce books, records, documents,
21 workfiles ~~work files~~, appraisal reports, or other materials requested by
22 the board concerning any matter under investigation;

23 (24) ~~(22)~~ Failure of an education ~~educational~~ provider to produce
24 records, documents, reports, or other materials, including, but not
25 limited to, required student attendance reports, to the board;

26 (25) Knowingly offering or attempting to offer a qualifying or
27 continuing education course or activity as being approved by the board to
28 an appraiser credentialed under the Real Property Appraiser Act, or an
29 applicant, without first obtaining approval of the activity from the
30 board, except for courses required by an accredited degree-awarding
31 college or university for completion of a degree in real estate, if the

1 college or university had its curriculum approved by the Appraiser
2 Qualifications Board as qualifying education;

3 (26 23) Presentation to the board of any check which is returned to
4 the State Treasurer unpaid, whether payment of fee is for an initial or
5 renewal credential or for examination; and

6 (27 24) Failure to pass the examination.

7 Sec. 63. Section 76-2239, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

30 (2)(a) If an investigation indicates that a person credential holder
31 may have violated a provision of the act, the board may offer the person

1 ~~credential holder~~ an opportunity to voluntarily and informally discuss
2 the alleged violation before the board. The board may enter into consent
3 agreements or negotiate settlements; -

4 (b) If an investigation indicates that a person not holding a
5 credential under the act has violated a provision of the act, the board
6 may issue a cease and desist order or refer the investigation to the
7 appropriate county attorney for the consideration of formal charges; or

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

21 Sec. 64. Section 76-2241, Revised Statutes Cumulative Supplement,
22 2014, is 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 1) A credential An application fee of no more than one hundred
26 fifty dollars;

27 (b 2) 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 3) An initial and renewal credentialing fee, other than temporary
31 credentialing, of no more than three hundred dollars;

1 (d 4) 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 5) 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 6) A temporary credentialing ~~packet card~~ fee of no more than
8 fifty dollars for a licensed residential real property appraiser,
9 certified residential real property appraiser, or certified general real
10 property appraiser holding a temporary credential under the act; ~~and~~

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 7) A criminal history record check fee of no more than one
22 hundred 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. 65. Section 76-2242, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 76-2242 (1) The board shall provide to each credential holder proof
6 that such person has been credentialed under the Real Property Appraiser
7 Act for the classification requirements set forth in the act. The board
8 ~~may shall~~ also issue a credentialing ~~pocket~~ card in such size and form as
9 it may approve.

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

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

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

19 Sec. 66. Section 76-2243, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-2243 Nothing contained in the Real Property Appraiser Act shall
22 be deemed to prohibit any credential holder under the act from engaging
23 in appraisal practice ~~the practice of real property appraising~~ as a
24 professional corporation in accordance with the Nebraska Professional
25 Corporation Act.

26 Sec. 67. Section 76-2244, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 76-2244 Each ~~resident~~ credential holder shall designate in the
29 manner prescribed by the board ~~and maintain~~ a principal place of business
30 ~~and shall conspicuously display his or her proof of credentialing in such~~
31 ~~place of business.~~ Upon any change of his or her principal place of

1 business, a ~~resident or nonresident~~ credential holder shall promptly give
2 notice thereof in writing to the board and the board shall issue a new
3 proof of credentialing for the unexpired term. ~~A nonresident shall not be~~
4 ~~required to maintain a place of business in this state if he or she~~
5 ~~maintains an active place of business in his or her place of domicile.~~

6 Sec. 68. Section 76-2245, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 76-2245 No person engaged in real property appraisal activities in
9 this state or acting in the capacity of a real property appraiser or real
10 property associate in this state may bring or maintain any action in any
11 court of this state to collect compensation for the performance of
12 valuation services ~~real property appraisal activities~~ for which
13 credentialing is required by the Real Property Appraiser Act without
14 alleging and proving that he or she was duly credentialed under the act
15 in this state at all times during the performance of such services
16 activities.

17 Sec. 69. Section 76-2246, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 76-2246 Any person required to be credentialed by the Real Property
20 Appraiser Act who engages in real property appraisal activity or who
21 advertises or holds himself or herself out to the general public as a
22 real property appraiser or real property associate in this state without
23 obtaining proper credentialing under the act shall be guilty of a Class
24 III misdemeanor and shall be ineligible to apply for credentialing under
25 the act for a period of one year from the date of his or her conviction
26 of such offense. The board may, in its discretion, credential such person
27 within such one-year period upon application and after an administrative
28 hearing.

29 Sec. 70. Section 76-2247.01, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 76-2247.01 (1) A person may retain or employ a real property

1 appraiser or real property associate credentialed under the Real Property
2 Appraiser Act to perform valuation ~~provide appraisal services, including,~~
3 ~~but not limited to, valuation assignments and consulting services.~~ In
4 each case, the valuation services, including any appraisal, appraisal
5 review, and the ~~appraisal~~ report shall comply with the Real Property
6 Appraiser Act and the Uniform Standards of Professional Appraisal
7 Practice.

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

17 Sec. 71. Whenever, in the judgment of the board, any person has
18 engaged or is about to engage in any acts or practices which constitute
19 or will constitute a violation of the Real Property Appraiser Act, the
20 Attorney General may maintain an action in the name of the State of
21 Nebraska, in the district court of the county in which such violation or
22 threatened violation occurred, to abate and temporarily and permanently
23 enjoin such acts and practices and to enforce compliance with the act.
24 The plaintiff shall not be required to give any bond nor shall any court
25 costs be adjudged against the plaintiff.

26 Sec. 72. Section 76-2249, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 76-2249 (1) The board may prepare a ~~printed~~ directory showing the
29 name and place of business of credential holders under the Real Property
30 Appraiser Act which may be made available on the board's web site.
31 Printed copies ~~Copies~~ of the directory shall be made available to the

1 public at such reasonable price per copy as may be fixed by the board.
2 The directory ~~and~~ shall be provided to federal authorities as required by
3 the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

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

15 Sec. 73. Section 76-2250, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 76-2250 The board may, upon payment of the appropriate a fee in an
18 amount established by the board pursuant to section 76-2241 ~~specified in~~
19 ~~its rules and regulations~~, issue a certificate of good standing to any
20 credential holder under the Real Property Appraiser Act who is in good
21 standing in this state.

22 Sec. 74. Section 76-3202, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

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

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

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

28 (3) Appraisal management company means, in connection with valuing
29 real property collateralizing mortgage loans, mortgages, or trust deeds
30 incorporated into a securitization, any external third party that
31 oversees a network or panel of more than fifteen certified or licensed

1 appraisers in this state or twenty-five or more certified or licensed
2 appraisers nationally within a given year and that is authorized, either
3 by a creditor of a consumer credit transaction secured by a consumer's
4 principal dwelling or by an underwriter of or other principal in the
5 secondary mortgage markets:

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

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

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

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

16 (4) Appraisal practice has the same meaning as in section
17 76-2205.01;

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

19 (5 ~~6~~) Appraisal review means the act or process of developing and
20 communicating an opinion about the quality of another appraiser's work
21 that was performed as part of a real property appraisal activity, except
22 that a quality control examination of a ~~an appraisal~~ report shall not be
23 an appraisal review;

24 (6 ~~7~~) Appraisal services means residential valuation assignments
25 performed by an individual acting as an appraiser, including, but not
26 limited to, appraisal, or appraisal review, ~~or consulting services;~~

27 (7 ~~8~~) Appraiser means an individual who holds a license or
28 certification as an appraiser and is expected to perform valuation
29 assignments competently and in a manner that is independent, impartial,
30 and objective;

31 (8 ~~9~~) Appraiser panel means a group of licensed or certified

1 independent appraisers that have been selected to perform appraisal
2 services for a third party;

3 (9 ~~10~~) Board means the Real Property Appraiser Board;

4 (~~11~~) Consulting service has the same meaning as in section
5 ~~76-2211.01~~;

6 (10 ~~12~~) Controlling person means:

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

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

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

20 (11 ~~13~~) Federal financial institution regulatory agency means the
21 Board of Governors of the Federal Reserve System, the Federal Deposit
22 Insurance Corporation, the Office of the Comptroller of the Currency, the
23 Office of Thrift Supervision, the National Credit Union Administration,
24 or the successor of any of such agencies;

25 (12 ~~14~~) Federally related transaction means any real estate-related
26 financial transaction which:

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

29 (b) Requires the services of an appraiser;

30 (13 ~~15~~) Owned and controlled means direct or indirect ownership or
31 control of more than twenty-five percent of the voting shares of an

1 appraisal management company;

2 (14 16) Person means an individual, firm, partnership, limited
3 partnership, limited liability company, association, corporation, or
4 other group engaged in joint business activities, however organized;

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

8 (16 18) Real estate has the same meaning as in section 76-2214;

9 (17 19) Real estate-related financial transaction means any
10 transaction involving:

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

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

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

17 (18 20) Real property has the same meaning as in section 30 of this
18 act 76-2217;

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

21 (20 22) Relocation management company means a business entity in
22 which the preponderance of its business services include relocation of
23 employees as an agent or contracted service provider to the employer for
24 the purposes of determining an anticipated sales price for the residence
25 of an employee being relocated by the employer;

26 (21) Report has the same meaning as in section 34 of this act;

27 (22 23) Uniform Standards of Professional Appraisal Practice has the
28 same meaning as in section 39 of this act 76-2213.01; and

29 (23 24) Valuation assignment has the same meaning as in section
30 76-2219.

31 Sec. 75. Section 76-3204, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 76-3204 The Nebraska Appraisal Management Company Registration Act
3 does not apply to:

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

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

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

16 (4) A relocation management company.

17 Sec. 76. Section 76-3208, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 76-3208 An appraisal management company that applies to the board
20 for a registration to do business in this state as an appraisal
21 management company shall not:

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

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

31 (3) Knowingly prohibit an appraiser from including within the body

1 of an appraisal report that is submitted by the appraiser to the
2 appraisal management company or its assignee the fee that the appraiser
3 was paid by the appraisal management company for the performance of the
4 ~~appraisal~~ report.

5 Sec. 77. Section 76-3213, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 76-3213 An appraisal management company may not alter, modify, or
8 otherwise change a completed ~~appraisal~~ report submitted by an appraiser
9 without the appraiser's written consent.

10 Sec. 78. Section 76-3215, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 76-3215 (1) Each appraisal management company registered in this
13 state, except in cases of noncompliance with the conditions of the
14 engagement, shall make payment of fees to an appraiser for the completion
15 of an appraisal or valuation assignment within sixty days after the date
16 on which the appraiser transmits or otherwise provides the completed
17 ~~appraisal~~ report or valuation assignment to the appraisal management
18 company or its assignee.

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

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

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

30 (3) An appraiser who is removed from the appraiser panel of an
31 appraisal management company may file a complaint with the board for a

1 review of the decision of the appraisal management company. The scope of
2 the board's review in any such case is limited to determining that the
3 appraisal management company has complied with subsection (2) of this
4 section and whether a violation of the Real Property Appraiser Act has
5 occurred.

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

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

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

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

16 (c) Make recommendations for action.

17 Sec. 79. Original sections 76-2204, 76-2205, 76-2205.01, 76-2208,
18 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217,
19 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244,
20 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of
21 Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03,
22 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01,
23 76-2216, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01,
24 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01,
25 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202,
26 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative
27 Supplement, 2014, are repealed.

28 Sec. 80. The following sections are outright repealed: Sections
29 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and
30 section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.