

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 139**

FINAL READING

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 to 24, 27, 28, 31  
4 to 34, 36, 38, 39, 45, 55, 57, 68, and 71 of this act shall be known and  
5 may be cited as the Real Property Appraiser Act.

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

8 76-2202 The Legislature finds that as a result of the enactment of  
9 the Dodd-Frank Wall Street Reform and Consumer Protection Act, as the act  
10 existed on January 1, 2015 ~~2014~~, and the Financial Institutions Reform,  
11 Recovery, and Enforcement Act of 1989, Nebraska's laws providing for  
12 regulation of real property appraisers require restructuring and updating  
13 in order to comply with such acts. Compliance with the acts is necessary  
14 to ensure an adequate number of appraisers in Nebraska to conduct  
15 appraisals of real estate involved in federally related transactions as  
16 defined in such acts.

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

19 76-2203 For purposes of the Real Property Appraiser Act, the  
20 definitions found in sections 76-2203.01 to 76-2219 and sections 7 to 24,  
21 27, 28, 31 to 34, 36, 38, and 39 of this act shall be used.

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

24 76-2204 Appraisal means (1) as a noun, an opinion of value or the  
25 act or process of developing an opinion of value or (2) as an adjective,  
26 pertaining to appraising and related functions such as appraisal practice  
27 or real property appraisal activity. An appraisal must be numerically  
28 expressed as a specific amount, as a range of numbers, or as a  
29 relationship to a previous value opinion or numerical benchmark an  
30 analysis, opinion, or conclusion prepared by a real property appraiser  
31 relating to the value of specified interests in or aspects of identified

1 ~~real estate or identified real property. An appraisal may be classified~~  
2 ~~by the nature of the assignment into either a valuation assignment or an~~  
3 ~~evaluation assignment.~~

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

6 76-2205 Appraisal Foundation means The ~~the~~ Appraisal Foundation that  
7 was incorporated as an Illinois not-for-profit corporation on November  
8 30, 1987.

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

11 76-2205.01 Appraisal practice means valuation assignments or  
12 evaluation assignments services performed by a person ~~an individual~~  
13 acting as a real property ~~an~~ appraiser, including, but not limited to,  
14 appraisal, and appraisal review assignments ~~, or appraisal consulting.~~

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

19 Sec. 8. Appraiser Qualifications Board means the Appraiser  
20 Qualifications Board of the Appraisal Foundation.

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

25 Sec. 10. Section 76-2208, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 ~~76-2208~~ Board means the Real Property Appraiser Board.

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

30 ~~76-2210~~ Certified general real property appraiser means a person who  
31 holds a valid credential as a certified general real property appraiser

1 issued under the Real Property Appraiser Act.

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

4 ~~76-2210.01~~ Certified real property appraiser means a person who  
5 holds a valid credential as a certified general real property appraiser  
6 or a valid credential as a certified residential real property appraiser  
7 issued under the Real Property Appraiser Act.

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

10 ~~76-2210.02~~ Certified residential real property appraiser means a  
11 person who holds a valid credential as a certified residential real  
12 property appraiser issued under the Real Property Appraiser Act.

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

17 Sec. 15. Section 76-2210.03, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 ~~76-2210.03~~ Completed application means an application for  
20 credentialing has been processed, all statutory requirements for a  
21 credential to be awarded have been met by the applicant, and all required  
22 documentation is submitted to the board for final consideration.

23 Sec. 16. Section 76-2211, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 ~~76-2211~~ Complex residential real property means residential property  
26 in which the property to be appraised, the form of ownership, or the  
27 market conditions are complicated or atypical.

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

30 ~~76-2211.02~~ Credential means a registration, license, or certificate.

31 Sec. 18. Credential holder means (1) any person who holds a valid

1 credential (a) as a real property associate or (b) as a trainee real  
2 property appraiser, licensed real property appraiser, certified  
3 residential real property appraiser, or certified general real property  
4 appraiser and (2) any person who holds a temporary permit to engage in  
5 real property appraisal activity within this state.

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

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

12 ~~76-2212~~ Evaluation assignment means an assignment that relates to  
13 the nature, quality, or utility of identified real estate or identified  
14 real property and ~~which~~ typically does not include an opinion of value.  
15 Evaluation assignment does not include reports prepared by experts from  
16 professional disciplines other than real property appraisal such as: A  
17 soil test or soil analysis of identified real estate prepared by a civil  
18 engineer; a title opinion or zoning analysis of identified real estate  
19 prepared by a lawyer; an architectural analysis of identified improved  
20 real estate prepared by an architect; and a property management analysis  
21 of identified improved real estate prepared by a property manager or  
22 property management consultant.

23 Sec. 21. Section 76-2212.01, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 ~~76-2212.01~~ Fifteen-hour National Uniform Standards of Professional  
26 Appraisal Practice Course means the course as approved by the Appraiser  
27 Qualifications Board as of January 1, 2014, or the equivalent of the  
28 course as approved by the Real Property Appraiser Board.

29 Sec. 22. Section 76-2212.02, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 ~~76-2212.02~~ Financial Institutions Reform, Recovery, and Enforcement

1 Act of 1989 means the act as it existed on January 1, 2014.

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

12 Sec. 24. Jurisdiction means a state of the United States, the  
13 District of Columbia, Puerto Rico, the United States Virgin Islands, or  
14 any territory or insular possession subject to the jurisdiction of the  
15 United States.

16 Sec. 25. Section 76-2212.03, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 76-2212.03 Jurisdiction of practice means any jurisdiction state,  
19 territory, or the District of Columbia in which an appraiser devotes his  
20 or her time engaged in real property appraisal activity.

21 Sec. 26. Section 76-2213, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 76-2213 Licensed residential real property appraiser means a person  
24 who holds a valid credential as a licensed residential real property  
25 appraiser issued under the Real Property Appraiser Act.—~~Licensed~~  
26 ~~residential real property appraiser includes persons defined as licensed~~  
27 ~~real property appraisers prior to April 15, 2010.~~

28 Sec. 27. Person means an individual or a firm, a partnership, a  
29 limited partnership, a limited liability company, an association, a  
30 corporation, or any other group engaged in joint business activities,  
31 however organized.

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

3           ~~76-2217~~ Real property means one or more defined interests, benefits,  
4 or rights inherent in the ownership of real estate.

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

7           76-2215 Real property appraisal activity means any act or process  
8 involved in developing an analysis, opinion, or conclusion relating to  
9 the value of specified interests in or aspects of identified real estate  
10 or identified real property. Real property appraisal activity includes,  
11 but is not limited to, evaluation assignments, valuation assignments, and  
12 appraisal review assignments ~~Real property appraisal activity means any~~  
13 ~~act or process, performed for a fee or other valuable consideration,~~  
14 ~~involved in developing an appraisal or preparing an appraisal report,~~  
15 ~~including but not limited to, a consulting service, an evaluation~~  
16 ~~assignment, or a valuation assignment.~~

17           Sec. 30. Section 76-2216, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19           76-2216 Real property appraiser means a person who:

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

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

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

26           Sec. 31. Real property associate means a person who holds a valid  
27 credential as a real property associate issued under the Real Property  
28 Appraiser Act and:

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

31           (2) Who advertises or holds himself or herself out to the general

1 public as a real property associate; or

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

4 Sec. 32. Section 76-2206, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

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

13 Sec. 33. Scope of work means the type and extent of research and  
14 analyses in a valuation assignment, evaluation assignment, or appraisal  
15 review assignment.

16 Sec. 34. Section 76-2217.04, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 ~~76-2217.04~~ Trainee real property appraiser means a person who holds  
19 a valid credential as a trainee real property appraiser issued under the  
20 Real Property Appraiser Act.

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

23 ~~76-2218~~ (1) Except as provided in subsections (2) and (3) of this  
24 section, two-year ~~Two-year~~ continuing education period means the a period  
25 of twenty-four months commencing on January 1 and completed on December  
26 31 of the following year ~~following the date of credentialing under the~~  
27 ~~Real Property Appraiser Act and each succeeding twenty-four-month period.~~

28 (2) In the case of new credential holders credentialed prior to July  
29 1, two-year continuing education period means the period commencing on  
30 the date of initial credentialing and completed on December 31 of the  
31 following year.

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

4           Sec. 36. Section 76-2213.01, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6           ~~76-2213.01~~ Uniform Standards of Professional Appraisal Practice  
7 means the standards promulgated by the Appraisal Foundation as the  
8 standards existed on January 1, 2014.

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

11           76-2219 Valuation assignment means:

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

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

16           Sec. 38. Valuation services means all services pertaining to  
17 aspects of property value, including services performed by both real  
18 property appraisers and real property associates.

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

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

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

28           (2) Except as provided in section 76-2221, any person who, directly  
29 or indirectly for another, offers, attempts, or agrees to perform any act  
30 described in section 76-2216 shall be deemed a real property appraiser  
31 and any person who, directly or indirectly for another, offers, attempts,

1 or agrees to perform any act described in section 31 of this act shall be  
2 deemed a real property associate, within the meaning of the Real Property  
3 Appraiser Act, and such action shall constitute sufficient contact with  
4 this state for the exercise of personal jurisdiction over such person in  
5 any action arising out of such act. Committing a single act described in  
6 such sections by a person required to be credentialed under the Real  
7 Property Appraiser Act and not so credentialed shall constitute a  
8 violation of the act for which the board may impose sanctions pursuant to  
9 this section for the protection of the public health, safety, or welfare.

10 (3) The board may issue a cease and desist order against any person  
11 who violates this section by performing any action described in section  
12 76-2216 or section 31 of this act without the appropriate credential.  
13 Such order shall be final ten days after issuance unless such person  
14 requests a hearing pursuant to section 76-2240. The board may, through  
15 the Attorney General, obtain an order from the district court for the  
16 enforcement of the cease and desist order.

17 Sec. 41. Section 76-2221, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 76-2221 The Real Property Appraiser Act shall not apply to:

20 (1) Any real property appraiser who is a salaried employee of (a)  
21 the federal government, (b) any agency of the state government or a  
22 political subdivision which appraises real estate, (c) any insurance  
23 company authorized to do business in this state, or (d) any bank, savings  
24 bank, savings and loan association, building and loan association, credit  
25 union, or small loan company licensed by this ~~the~~ state or supervised or  
26 regulated by or through federal enactments covering financial  
27 institutions, except that any employee of the entities listed in  
28 subdivisions (a) through (d) of this subdivision who signs a ~~an appraisal~~  
29 report as a credentialed real property appraiser shall be subject to the  
30 act and the Uniform Standards of Professional Appraisal Practice. Any  
31 salaried employee of the entities listed in subdivisions (a) through (d)

1 of this subdivision who does not sign a ~~an appraisal~~ report as a  
2 credentialed real property appraiser shall include the following  
3 disclosure prominently with such report: This opinion of value may not  
4 meet the minimum standards contained in the Uniform Standards of  
5 Professional Appraisal Practice and is not governed by the Real Property  
6 Appraiser Act;

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

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

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

24 (5) Any owner of real estate, employee of the owner, or attorney  
25 licensed to practice law in this state ~~the State of Nebraska~~ representing  
26 the owner who renders an estimate or opinion of value of real estate or  
27 any interest in real estate or damages thereto when such estimate or  
28 opinion is offered as testimony in any condemnation proceeding, or any  
29 other person who renders such an estimate or opinion when that estimate  
30 or opinion requires a specialized knowledge that a real property  
31 appraiser would not have, except that a real property appraiser or a

1 person licensed under the Nebraska Real Estate License Act is not exempt  
2 under this subdivision;

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

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

20 Sec. 42. 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. 43. 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. 44. 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. 45. (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. 46. 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. 47. 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. 48. 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. 49. 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 subdivisions ~~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 subdivisions ~~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. 50. 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 ~~subdivisions~~ ~~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. 51. 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. 52. 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. 53. 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 jurisdiction~~  
17 ~~other jurisdiction~~ or state the nature of any pending disciplinary  
18 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. 54. 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 55 of this act.

6 Sec. 55. (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 activity  
18 or act as a credentialed real property appraiser or real property  
19 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 on inactive status. If a credential holder's credential is expired  
9 at the completion of the two-year period, the credential holder shall  
10 reapply for credentialing and meet the current requirements in place at  
11 the time of application.

12 Sec. 56. 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 Real Property Appraiser Board and at least once every two years, the  
4 seven-hour National Uniform Standards of Professional Appraisal Practice  
5 Update Course as approved by the Appraiser Qualifications Board as of  
6 January 1, 2014, or the equivalent of the course as approved by the Real  
7 Property Appraiser Board, shall be included in the continuing education  
8 requirement of each credential holder. The seven-hour National Uniform  
9 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 Real Property Appraiser Board ~~board~~ and at least once every four years,  
21 but not more than every two years, a seven-hour report writing update  
22 course, as approved by the board, shall be included in the continuing  
23 education requirement of each credential holder. The seven-hour report  
24 writing update course shall be taken in a classroom and not online or by  
25 correspondence.

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

1 Appraiser Act and the rules and regulations of the board.

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

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

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

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

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

29 (11 9) The Real Property Appraiser Board shall approve continuing  
30 education activities and instructors which it determines would protect  
31 the public by improving the competency of credential holders. ~~Evidence of~~

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

6 Sec. 57. Section 76-2229, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

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

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

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

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

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

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

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

25           Sec. 58. Section 76-2237, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27           76-2237 Each credential holder shall comply with the Uniform  
28 Standards of Professional Appraisal Practice. The board may ~~shall~~ adopt  
29 and promulgate rules and regulations ~~which conform~~ to assist in the  
30 enforcement of the Uniform Standards of Professional Appraisal Practice.  
31 ~~The board shall review such rules and regulations annually. A copy of~~

1 ~~each such rule or regulation shall be transmitted electronically to each~~  
2 ~~credential holder and shall be made available on the board's web site.~~

3 Sec. 59. Section 76-2238, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 76-2238 The following acts and omissions shall be considered grounds  
6 for disciplinary action or denial of an application by the board:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (17) Failure to maintain, or to make available for inspection and

1 copying, records required by the board;

2 (18) Demonstrating negligence, incompetence, or unworthiness to act  
3 as a real property an appraiser or real property associate, whether of  
4 the same or of a different character as otherwise specified in this  
5 section;

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

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

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

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

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

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

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

1 college or university for completion of a degree in real estate, if the  
2 college or university had its curriculum approved by the Appraiser  
3 Qualifications Board as qualifying education;

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

8 (27 24) Failure to pass the examination.

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

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

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

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

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

23           Sec. 61. Section 76-2241, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25           76-2241 (1) The board shall charge and collect appropriate fees for  
26 its services under the Real Property Appraiser Act as follows:

27           (a 1) A credential A~~n~~ application fee of no more than one hundred  
28 fifty dollars;

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

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

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

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

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

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

17           (h) An inactive credentialing fee of no more than three hundred  
18 dollars;

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

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

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

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

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

1 provided by the board.

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

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

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

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

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

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

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

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

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

30 76-2244 Each ~~resident~~ credential holder shall designate in the  
31 manner prescribed by the board ~~and maintain~~ a principal place of business

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

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

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

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

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

31       Sec. 67. Section 76-2247.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 76-2247.01 (1) A person may retain or employ a real property  
3 appraiser or real property associate credentialed under the Real Property  
4 Appraiser Act to perform valuation ~~provide appraisal~~ services, ~~including,~~  
5 ~~but not limited to,~~ valuation assignments and consulting services. In  
6 each case, the valuation services, including any appraisal, appraisal  
7 review, and ~~the appraisal~~ report, shall comply with the Real Property  
8 Appraiser Act and the Uniform Standards of Professional Appraisal  
9 Practice.

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

19 Sec. 68. Whenever, in the judgment of the board, any person has  
20 engaged or is about to engage in any acts or practices which constitute  
21 or will constitute a violation of the Real Property Appraiser Act, the  
22 Attorney General may maintain an action in the name of the State of  
23 Nebraska, in the district court of the county in which such violation or  
24 threatened violation occurred, to abate and temporarily and permanently  
25 enjoin such acts and practices and to enforce compliance with the act.  
26 The plaintiff shall not be required to give any bond nor shall any court  
27 costs be adjudged against the plaintiff.

28 Sec. 69. Section 76-2249, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 76-2249 (1) The board may prepare a ~~printed~~ directory showing the  
31 name and place of business of credential holders under the Real Property

1 Appraiser Act which may be made available on the board's web site.  
2 Printed copies ~~—Copies~~ of the directory shall be made available to the  
3 public at such reasonable price per copy as may be fixed by the board.  
4 The directory and shall be provided to federal authorities as required by  
5 the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

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

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

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

24 Sec. 71. Beginning on the effective date of this act, there shall  
25 be a one-year moratorium on enforcement action by the board involving  
26 mass appraisals conducted under the authority of any county assessor by  
27 employees or independent contractors.

28 Sec. 72. Section 76-3202, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 76-3202 For purposes of the Nebraska Appraisal Management Company  
31 Registration Act:

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

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

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

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

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

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

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

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

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

25 (5 6) Appraisal review means the act or process of developing and  
26 communicating an opinion about the quality of another appraiser's work  
27 that was performed as part of a real property appraisal activity, except  
28 that a quality control examination of a ~~an appraisal~~ report shall not be  
29 an appraisal review;

30 (6 7) Appraisal services means residential valuation assignments  
31 performed by an individual acting as an appraiser, including, but not

1 limited to, appraisal, ~~or appraisal review, or consulting services;~~

2 (7 8) Appraiser means an individual who holds a license or  
3 certification as an appraiser and is expected to perform valuation  
4 assignments competently and in a manner that is independent, impartial,  
5 and objective;

6 (8 9) Appraiser panel means a group of licensed or certified  
7 independent appraisers that have been selected to perform appraisal  
8 services for a third party;

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

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

12 (10 12) Controlling person means:

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

17 (b) An individual employed, appointed, or authorized by an appraisal  
18 management company that has the authority to enter into a contractual  
19 relationship with other persons for the performance of services requiring  
20 registration as an appraisal management company and that has the  
21 authority to enter into agreements with appraisers for the performance of  
22 appraisals; or

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

26 (11 13) Federal financial institution regulatory agency means the  
27 Board of Governors of the Federal Reserve System, the Federal Deposit  
28 Insurance Corporation, the Office of the Comptroller of the Currency, the  
29 Office of Thrift Supervision, the National Credit Union Administration,  
30 or the successor of any of such agencies;

31 (12 14) Federally related transaction means any real estate-related

1 financial transaction which:

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

4 (b) Requires the services of an appraiser;

5 (~~13 15~~) Owned and controlled means direct or indirect ownership or  
6 control of more than twenty-five percent of the voting shares of an  
7 appraisal management company;

8 (~~14 16~~) Person means an individual, firm, partnership, limited  
9 partnership, limited liability company, association, corporation, or  
10 other group engaged in joint business activities, however organized;

11 (~~15 17~~) Quality control examination means an examination of ~~a an~~  
12 appraisal report for compliance and completeness, including grammatical,  
13 typographical, or other similar errors;

14 (~~16 18~~) Real estate has the same meaning as in section 76-2214;

15 (~~17 19~~) Real estate-related financial transaction means any  
16 transaction involving:

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

19 (b) The refinancing of real property or interests in real property;  
20 or

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

23 (~~18 20~~) Real property has the same meaning as in section 28 of this  
24 act 76-2217;

25 (~~19 21~~) Real property appraisal activity has the same meaning as in  
26 section 76-2215;

27 (~~20 22~~) Relocation management company means a business entity in  
28 which the preponderance of its business services include relocation of  
29 employees as an agent or contracted service provider to the employer for  
30 the purposes of determining an anticipated sales price for the residence  
31 of an employee being relocated by the employer;

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

2           (22 23) Uniform Standards of Professional Appraisal Practice has the  
3 same meaning as in section 36 of this act ~~76-2213.01~~; and

4           (23 24) Valuation assignment has the same meaning as in section  
5 76-2219.

6           Sec. 73. Section 76-3204, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8           76-3204 The Nebraska Appraisal Management Company Registration Act  
9 does not apply to:

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

14           (2) An appraisal management company that is owned and controlled by  
15 a financial institution regulated by a federal financial institution  
16 regulatory agency;

17           (3) An appraiser that enters into an agreement, written or oral,  
18 with an appraiser for the performance of appraisal services if upon the  
19 completion of the appraisal services the ~~appraisal~~ report is signed by  
20 both the appraiser who completed the appraisal services and the appraiser  
21 who requested the appraisal services; or

22           (4) A relocation management company.

23           Sec. 74. Section 76-3208, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25           76-3208 An appraisal management company that applies to the board  
26 for a registration to do business in this state as an appraisal  
27 management company shall not:

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

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

6 (3) Knowingly prohibit an appraiser from including within the body  
7 of ~~a an appraisal~~ report that is submitted by the appraiser to the  
8 appraisal management company or its assignee the fee that the appraiser  
9 was paid by the appraisal management company for the performance of the  
10 ~~appraisal~~ report.

11 Sec. 75. Section 76-3213, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

13 76-3213 An appraisal management company may not alter, modify, or  
14 otherwise change a completed ~~appraisal~~ report submitted by an appraiser  
15 without the appraiser's written consent.

16 Sec. 76. Section 76-3215, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

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

25 (2) Except within the first ninety days after an appraiser is first  
26 added to the appraiser panel of an appraisal management company, an  
27 appraisal management company may not remove the appraiser from the  
28 appraiser panel of the appraisal management company or otherwise refuse  
29 to assign requests for appraisal services to an appraiser on the  
30 appraiser panel without:

31 (a) Notifying the appraiser in writing of the reasons why the

1 appraiser is being removed from the appraiser panel of the appraisal  
2 management company; and

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

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

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

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

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

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

22 (c) Make recommendations for action.

23 Sec. 77. Original sections 76-2204, 76-2205, 76-2205.01, 76-2208,  
24 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217,  
25 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244,  
26 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of  
27 Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03,  
28 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01,  
29 76-2216, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01,  
30 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01,  
31 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202,

1 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative  
2 Supplement, 2014, are repealed.

3       Sec. 78. The following sections are outright repealed: Sections  
4 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and  
5 section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.