

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 717

Final Reading

Introduced by Gloor, 35.

Read first time January 08, 2014

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to real property appraisal; to amend sections
 2 76-2201, 76-2203, 76-2217.02, and 76-2227, Reissue
 3 Revised Statutes of Nebraska, and sections 76-2202,
 4 76-2213.01, 76-2223, 76-2228.01, 76-2230, 76-2231.01,
 5 76-2232, 76-2233, 76-2233.02, 76-2236, 76-2238, 76-2241,
 6 and 76-2249, Revised Statutes Cumulative Supplement,
 7 2012; to change provisions relating to the Real Property
 8 Appraiser Act; to define terms; to change provisions
 9 relating to professional qualifications; to provide
 10 operative dates; to repeal the original sections; and to
 11 declare an emergency.

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

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

3 76-2201 Sections 76-2201 to 76-2250 and sections 4 to 9,
4 11, 12, and 16 of this act shall be known and may be cited as the
5 Real Property Appraiser Act.

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

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

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

20 76-2203 For purposes of the Real Property Appraiser Act,
21 the definitions found in sections 76-2204 to 76-2219 and sections 4
22 to 9, 11, and 12 of this act shall be used.

23 Sec. 4. Accredited degree-awarding community college,
24 college, or university means an institution that is approved or
25 accredited by a regional or national accreditation association or an

1 agency recognized by the United States Secretary of Education.

2 Sec. 5. Completed application means an application for
3 credentialing has been processed, all statutory requirements for a
4 credential to be awarded have been met by the applicant, and all
5 required documentation is submitted to the board for final
6 consideration.

7 Sec. 6. Complex residential real property means
8 residential property in which the property to be appraised, the form
9 of ownership, or the market conditions are atypical.

10 Sec. 7. Fifteen-hour National Uniform Standards of
11 Professional Appraisal Practice Course means the course as approved
12 by the Appraiser Qualifications Board as of January 1, 2014, or the
13 equivalent of the course as approved by the Real Property Appraiser
14 Board.

15 Sec. 8. Financial Institutions Reform, Recovery, and
16 Enforcement Act of 1989 means the act as it existed on January 1,
17 2014.

18 Sec. 9. Jurisdiction of practice means any state,
19 territory, or the District of Columbia in which an appraiser devotes
20 his or her time engaged in real property appraisal activity.

21 Sec. 10. Section 76-2213.01, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 76-2213.01 Uniform Standards of Professional Appraisal
24 Practice means the standards promulgated by the Appraisal Foundation
25 as the standards existed on January 1, ~~2012.~~ 2014.

1 Sec. 11. Signature means personalized evidence indicating
2 authentication of the work performed by the real property appraiser
3 and the acceptance of the responsibility for content, analyses, and
4 the conclusions in a report.

5 Sec. 12. Section 76-2217.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

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

14 Sec. 13. Section 76-2223, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 76-2223 (1) The Real Property Appraiser Board shall
17 administer and enforce the Real Property Appraiser Act and may:

18 (a) Receive applications for credentialing under the act,
19 process such applications and regulate the issuance of credentials to
20 qualified applicants, and maintain a directory of the names and
21 addresses of persons who receive credentials under the act;

22 (b) Hold meetings, public hearings, informal conferences,
23 and administrative hearings, prepare or cause to be prepared
24 specifications for all appraiser classifications, solicit bids and
25 enter into contracts with one or more testing services, and

1 administer or contract for the administration of examinations
2 approved by the Appraiser Qualifications Board in such places and at
3 such times as deemed appropriate;

4 (c) Develop the specifications for credentialing
5 examinations, including timing, location, and security necessary to
6 maintain the integrity of the examinations;

7 (d) Review the procedures and criteria of a contracted
8 testing service to ensure that the testing meets with the approval of
9 the Appraiser Qualifications Board;

10 (e) Collect all fees required or permitted by the act.
11 The Real Property Appraiser Board shall remit all such receipts to
12 the State Treasurer for credit to the Real Property Appraiser Fund.
13 In addition, the board may collect and transmit to the appropriate
14 federal authority any fees established under the Financial
15 Institutions Reform, Recovery, and Enforcement Act of 1989ⁱ, ~~as the~~
16 ~~act existed on January 1, 2012;~~

17 (f) Establish appropriate administrative procedures for
18 disciplinary proceedings conducted pursuant to the Real Property
19 Appraiser Act;

20 (g) Issue subpoenas to compel the attendance of witnesses
21 and the production of books, documents, records, and other papers,
22 administer oaths, and take testimony and require submission of and
23 receive evidence concerning all matters within its jurisdiction. In
24 case of disobedience of a subpoena, the Real Property Appraiser Board
25 may make application to the district court of Lancaster County to

1 require the attendance and testimony of witnesses and the production
2 of documentary evidence. If any person fails to obey an order of the
3 court, he or she may be punished by the court as for contempt
4 thereof;

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

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

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

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

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

23 (m) Adopt and promulgate rules and regulations to carry
24 out the act. The rules and regulations may include provisions
25 establishing minimum standards for schools, courses, and instructors.

1 The rules and regulations shall be adopted pursuant to the
2 Administrative Procedure Act; and

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

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

8 Sec. 14. Section 76-2227, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 76-2227 (1) Applications for credentials, including
11 authorization to take the appropriate examination, and for renewal of
12 credentials shall be made in writing to the board on forms approved
13 by the board. The payment of the appropriate fee fixed by the board
14 pursuant to section 76-2241 shall accompany all applications.

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

18 ~~(2)~~ (3) At the time of filing an initial or renewal
19 application for credentials, the applicant shall sign a pledge that
20 he or she has read and will comply with the Uniform Standards of
21 Professional Appraisal Practice. Each applicant shall also certify
22 that he or she understands the types of misconduct for which
23 disciplinary proceedings may be initiated.

24 ~~(3)~~ (4) Credentials shall be issued only to persons who
25 have a good reputation for honesty, trustworthiness, integrity, and

1 competence to perform assignments in such manner as to safeguard the
2 interest of the public and only after satisfactory proof of such
3 qualification has been presented to the board upon request and a
4 completed application has been approved.

5 ~~(4)~~(5) No credential shall be issued to a corporation,
6 partnership, limited liability company, firm, or group.

7 Sec. 15. Section 76-2228.01, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 76-2228.01 (1) To qualify for a credential as a trainee
10 real property appraiser, an applicant shall:

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

12 (b) Hold a high school diploma or a certificate of high
13 school equivalency or have education acceptable to the ~~board~~; Real
14 Property Appraiser Board;

15 (c)(i) Have successfully completed and passed examination
16 for no fewer than seventy-five class hours in ~~board-approved~~ Real
17 Property Appraiser Board-approved qualifying education courses of
18 study which relate to appraisal and which include completion of as
19 prescribed by rule or regulation of the Real Property Appraiser Board
20 and complete the fifteen-hour National Uniform Standards of
21 Professional Appraisal Practice Course, as approved by the Appraiser
22 Qualifications Board as of January 1, 2012, or the equivalent of the
23 course as approved by the Real Property Appraiser Board. The fifteen-
24 hour course shall be taught by a Uniform Standards of Professional
25 Appraisal Practice Instructor who is certified by the Appraiser

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

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

1 Board-approved qualifying education pursuant to subdivision (c)(i) of
2 this subsection;

3 (d) As prescribed by rule or regulation of the Real
4 Property Appraiser Board, successfully complete a Real Property
5 Appraiser Board-approved seven-hour supervisory appraiser and trainee
6 course within one year immediately preceding the date of application;

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

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

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

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

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

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

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

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

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

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

25 (3) To qualify for an upgraded credential, a trainee real

1 property appraiser shall satisfy the appropriate requirements as
2 follows:

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

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

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

19 (a) Meet the postsecondary educational requirements
20 pursuant to subdivision (1)(b)(i) or (ii) and (1)(c) of section
21 76-2230;

22 (b) Successfully complete and pass examination for no
23 fewer than seventy-five additional class hours in board-approved
24 qualifying education courses as prescribed by rule or regulation of
25 the board, or hold a bachelor's degree in real estate from an

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

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

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

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

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

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

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

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

22 (b) Successfully complete and pass examination for no
23 fewer than two hundred twenty-five additional class hours in board-
24 approved qualifying education courses as prescribed by rule or
25 regulation of the board, or hold a bachelor's degree in real estate

1 from an accredited degree-awarding college or university pursuant to
2 subdivision (1)(d)(ii) of section 76-2232; and

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

5 (7) The scope of practice for the trainee real property
6 appraiser shall be limited to the appraisal of those properties that
7 the supervisory certified real property appraiser is permitted to
8 appraise by his or her current credential and that the supervisory
9 appraiser is competent to appraise.

10 ~~(d) Be subject to direct supervision by a supervising~~
11 ~~appraiser or appraisers who are certified residential real property~~
12 ~~appraisers or certified general real property appraisers in good~~
13 ~~standing. The supervising appraiser shall be responsible for the~~
14 ~~training and direct supervision of the trainee by accepting~~
15 ~~responsibility for the appraisal report by signing and certifying the~~
16 ~~report is in compliance with the Uniform Standards of Professional~~
17 ~~Appraisal Practice, reviewing the trainee appraisal reports, and~~
18 ~~personally inspecting each appraised property with the trainee as is~~
19 ~~consistent with his or her scope of practice until the supervising~~
20 ~~appraiser determines the trainee is competent in accordance with the~~
21 ~~competency rule of the Uniform Standards of Professional Appraisal~~
22 ~~Practice. The trainee shall maintain an appraisal log for each~~
23 ~~supervising appraiser in accordance with standards set by rule and~~
24 ~~regulation of the board; and~~

25 ~~(e) Not have been convicted of any felony or, if so~~

1 ~~convicted, have had his or her civil rights restored.~~

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

5 ~~(a) For a credential as a licensed residential real~~
6 ~~property appraiser, he or she shall (i) complete seventy five~~
7 ~~additional hours of designated core curriculum education and (ii)~~
8 ~~meet the experience requirements pursuant to subdivision (1)(d) of~~
9 ~~section 76-2230;~~

10 ~~(b) For a credential as a certified residential real~~
11 ~~property appraiser, he or she shall (i) complete one hundred twenty-~~
12 ~~five additional hours of designated core curriculum education, (ii)~~
13 ~~meet the experience requirements pursuant to subdivision (1)(d) of~~
14 ~~section 76-2231.01, and (iii) meet the postsecondary educational~~
15 ~~requirements pursuant to subdivision (1)(b)(i) or (ii) of section~~
16 ~~76-2231.01; or~~

17 ~~(c) For a credential as a certified general real property~~
18 ~~appraiser, he or she shall (i) complete two hundred twenty five~~
19 ~~additional hours of designated core curriculum education, (ii) meet~~
20 ~~the experience requirements pursuant to subdivision (1)(d) of section~~
21 ~~76-2232, and (iii) meet the postsecondary educational requirements~~
22 ~~pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.~~

23 ~~(3) If a trainee real property appraiser remains in the~~
24 ~~classification in excess of two years, the trainee shall be required~~
25 ~~in the third and successive years to successfully complete no fewer~~

1 ~~than fourteen hours of instruction in courses or seminars for each~~
2 ~~year of the period preceding the renewal and shall have completed the~~
3 ~~seven-hour National Uniform Standards of Professional Appraisal~~
4 ~~Practice Update Course, as the course existed on January 1, 2012, or~~
5 ~~the equivalent of the course as approved by the Real Property~~
6 ~~Appraiser Board, at a minimum of every two years. The courses of~~
7 ~~study shall be conducted by an accredited, degree-awarding~~
8 ~~university, college, or community college, an appraisal society,~~
9 ~~institute, or association, a state or federal agency or commission, a~~
10 ~~proprietary school, or such other educational provider as may be~~
11 ~~approved by the board. Credit may be granted for educational~~
12 ~~offerings and for participation other than as a student as approved~~
13 ~~by the board.~~

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

17 Sec. 16. (1) Each trainee real property appraiser's
18 experience shall be subject to direct supervision by a supervisory
19 appraiser. To qualify as a supervisory appraiser, a real property
20 appraiser shall:

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

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

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

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

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

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

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

25 (b) Reviewing the trainee real property appraiser

1 reports; and

2 (c) Personally inspecting each appraised property with
3 the trainee real property appraiser as is consistent with his or her
4 scope of practice until the supervisory appraiser determines that the
5 trainee real property appraiser is competent in accordance with the
6 competency rule of the Uniform Standards of Professional Appraisal
7 Practice.

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

22 (4) The trainee real property appraiser may have more
23 than one supervisory appraiser, but a supervisory appraiser may not
24 supervise more than three trainee real property appraisers at one
25 time.

1 (5) As prescribed by rule or regulation of the board, an
2 appraisal experience log shall be maintained jointly by the
3 supervisory appraiser and the trainee real property appraiser.

4 Sec. 17. Section 76-2230, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

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

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

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

11 ~~(c) Have successfully completed no fewer than one hundred~~
12 ~~fifty class hours, which may include the class hours set forth in~~
13 ~~section 76-2229.01, in board-approved courses of study which relate~~
14 ~~to appraisal and which include completion of the fifteen-hour~~
15 ~~National Uniform Standards of Professional Appraisal Practice Course~~
16 ~~as approved by the Appraiser Qualifications Board as of January 1,~~
17 ~~2012, or the equivalent of the course as approved by the Real~~
18 ~~Property Appraiser Board. The fifteen-hour course shall be taught by~~
19 ~~a Uniform Standards of Professional Appraisal Practice Instructor who~~
20 ~~is certified by the Appraiser Qualifications Board and who is a~~
21 ~~state-certified appraiser in good standing. The courses of study~~
22 ~~shall be conducted by an accredited, degree-awarding university,~~
23 ~~college, or community college, an appraisal society, institute, or~~
24 ~~association, a state or federal agency or commission, a proprietary~~
25 ~~school, or such other educational provider as may be approved by the~~

1 ~~Real Property Appraiser Board and shall be, at a minimum, fifteen~~
2 ~~class hours in length. Each course shall include a closed book~~
3 ~~examination pertinent to the material presented;~~

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

16 ~~(e) Within the twelve months following approval of the~~
17 ~~applicant by the board, pass an examination approved by the Appraiser~~
18 ~~Qualifications Board as of January 1, 2012, and administered by a~~
19 ~~contracted testing service which demonstrates that the applicant has:~~

20 ~~(i) Knowledge of technical terms commonly used in or~~
21 ~~related to appraisal and the writing of appraisal reports;~~

22 ~~(ii) Knowledge of depreciation theories, cost estimating,~~
23 ~~methods of capitalization, market data analysis, appraisal~~
24 ~~mathematics, and economic concepts applicable to real estate;~~

25 ~~(iii) An understanding of the principles of land~~

1 ~~economics, appraisal processes, and problems encountered in the~~
2 ~~gathering, interpreting, and processing of data involved in the~~
3 ~~valuation of real property;~~

4 ~~(iv) Knowledge of the appraisal of various types of and~~
5 ~~interests in real property for various functions and purposes;~~

6 ~~(v) An understanding of basic real estate law;~~

7 ~~(vi) An understanding of the types of misconduct for~~
8 ~~which disciplinary proceedings may be initiated;~~

9 ~~(vii) An understanding of the Uniform Standards of~~
10 ~~Professional Appraisal Practice;~~

11 ~~(viii) An understanding of the recognized methods and~~
12 ~~techniques necessary for the development and communication of a~~
13 ~~credible appraisal; and~~

14 ~~(ix) Knowledge of such other principles and procedures as~~
15 ~~may be appropriate to produce a credible appraisal; and~~

16 ~~(f) Not have been convicted of any felony or, if so~~
17 ~~convicted, have had his or her civil rights restored.~~

18 ~~(2) To qualify for an upgraded credential, a licensed~~
19 ~~residential real property appraiser shall satisfy at least one of the~~
20 ~~appropriate requirements as follows:~~

21 ~~(a) For a credential as a certified residential real~~
22 ~~property appraiser, he or she shall (i) complete fifty additional~~
23 ~~hours of designated core curriculum education, (ii) meet the~~
24 ~~experience requirements pursuant to subdivision (1)(d) of section~~
25 ~~76-2231.01, and (iii) meet the postsecondary educational requirements~~

1 ~~pursuant to subdivision (1)(b)(i) or (ii) of section 76-2231.01; or~~

2 ~~(b) For a credential as a certified general real property~~
3 ~~appraiser, he or she shall (i) complete one hundred fifty additional~~
4 ~~hours of designated core curriculum education, (ii) meet the~~
5 ~~experience requirements pursuant to subdivision (1)(d) of section~~
6 ~~76-2232, and (iii) meet the postsecondary educational requirements~~
7 ~~pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.~~

8 ~~(3) The scope of practice for a licensed residential real~~
9 ~~property appraiser shall be limited to the appraisal of noncomplex~~
10 ~~property having one, two, three, or four residential units with a~~
11 ~~transaction value of less than one million dollars and complex~~
12 ~~property having one, two, three, or four residential units with a~~
13 ~~transaction value of less than two hundred fifty thousand dollars.~~

14 ~~(4) If an applicant is applying for renewal of a~~
15 ~~credential as a licensed residential real property appraiser, the~~
16 ~~applicant shall have successfully completed no fewer than fourteen~~
17 ~~hours of instruction in courses or seminars for each year of the two-~~
18 ~~year continuing education period during which the application is~~
19 ~~submitted and shall have completed the seven-hour National Uniform~~
20 ~~Standards of Professional Appraisal Practice Update Course as~~
21 ~~approved by the Appraiser Qualifications Board as of January 1, 2012,~~
22 ~~or the equivalent of the course as approved by the Real Property~~
23 ~~Appraiser Board, at a minimum of every two years. The seven-hour~~
24 ~~course shall be taught by a Uniform Standards of Professional~~
25 ~~Appraisal Practice Instructor who is certified by the Appraiser~~

1 ~~Qualifications Board and who is a state-certified appraiser in good~~
2 ~~standing. Credit toward a classroom hour requirement may be granted~~
3 ~~only when the length of the educational offering is at least two~~
4 ~~hours. The courses of study shall be conducted by an accredited,~~
5 ~~degree-awarding university, college, or community college, an~~
6 ~~appraisal society, institute, or association, a state or federal~~
7 ~~agency or commission, a proprietary school, or such other educational~~
8 ~~provider as may be approved by the Real Property Appraiser Board.~~
9 ~~Credit may be granted for educational offerings and for participation~~
10 ~~other than as a student as approved by the board.~~

11 ~~(5) The application for the credential as a licensed~~
12 ~~residential real property appraiser shall include the applicant's~~
13 ~~social security number and such other information as the board may~~
14 ~~require.~~

15 (1) To qualify for a credential as a licensed residential
16 real property appraiser, an applicant shall:

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

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

20 or

21 (ii) Successfully complete thirty semester hours of
22 college-level education, from an accredited degree-awarding community
23 college, college, or university. If an accredited degree-awarding
24 community college, college, or university accepts the College-Level
25 Examination Program and examinations and issues a transcript for the

1 examination showing its approval, it will be considered as credit for
2 the college course;

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

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

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

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

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

15 (d)(i) Have successfully completed and passed examination
16 for no fewer than one hundred fifty class hours in Real Property
17 Appraiser Board-approved qualifying education courses as prescribed
18 by rule or regulation of the Real Property Appraiser Board and
19 complete the fifteen-hour National Uniform Standards of Professional
20 Appraisal Practice Course. The fifteen-hour course shall be taught by
21 a Uniform Standards of Professional Appraisal Practice Instructor who
22 is certified by the Appraiser Qualifications Board and who is a
23 state-certified appraiser in good standing. The qualifying education
24 courses shall be conducted by an accredited degree-awarding community
25 college, college, or university, an appraisal society, institute, or

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

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

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

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

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

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

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

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

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

23 (i) Certify that no civil judicial actions, including
24 dismissal with settlement, in connection with real estate, financial
25 services, or in the making of an appraisal have been brought against

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) An appraiser holding a valid licensed residential
15 real property appraiser credential shall satisfy the requirements for
16 the trainee real property appraiser credential for a downgraded
17 credential.

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

1 scope of practice for a licensed residential real property appraiser.

2 Sec. 18. Section 76-2231.01, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

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

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

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

10 ~~(ii) Have successfully completed, as verified by the~~
11 ~~board, twenty one semester hours of coursework or its equivalent from~~
12 ~~an accredited, degree-awarding university, college, or community~~
13 ~~college that shall have included English composition; principles of~~
14 ~~macroeconomics or microeconomics; finance; algebra, geometry, or~~
15 ~~higher mathematics; statistics; introduction to computers, including~~
16 ~~word processing and spread sheets; and business or real estate law;~~

17 ~~(c) Have successfully completed no fewer than two hundred~~
18 ~~class hours, which may include the class hours set forth in sections~~
19 ~~76-2229.01 and 76-2230, in board-approved courses of study which~~
20 ~~relate to appraisal and which include completion of the fifteen-hour~~
21 ~~National Uniform Standards of Professional Appraisal Practice Course~~
22 ~~as approved by the Appraiser Qualifications Board as of January 1,~~
23 ~~2012, or the equivalent of the course as approved by the Real~~
24 ~~Property Appraiser Board. The fifteen-hour course shall be taught by~~
25 ~~a Uniform Standards of Professional Appraisal Practice Instructor who~~

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

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

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

- 1 ~~contracted testing service which demonstrates that the applicant has:~~
- 2 ~~(i) Knowledge of technical terms commonly used in or~~
- 3 ~~related to appraisal and the writing of appraisal reports;~~
- 4 ~~(ii) Knowledge of depreciation theories, cost estimating,~~
- 5 ~~methods of capitalization, market data analysis, appraisal~~
- 6 ~~mathematics, and economic concepts applicable to real estate;~~
- 7 ~~(iii) An understanding of the principles of land~~
- 8 ~~economics, appraisal processes, and problems encountered in the~~
- 9 ~~gathering, interpreting, and processing of data involved in the~~
- 10 ~~valuation of real property;~~
- 11 ~~(iv) Knowledge of the appraisal of various types of and~~
- 12 ~~interests in real property for various functions and purposes;~~
- 13 ~~(v) An understanding of basic real estate law;~~
- 14 ~~(vi) An understanding of the types of misconduct for~~
- 15 ~~which disciplinary proceedings may be initiated;~~
- 16 ~~(vii) An understanding of the Uniform Standards of~~
- 17 ~~Professional Appraisal Practice;~~
- 18 ~~(viii) An understanding of the recognized methods and~~
- 19 ~~techniques necessary for the development and communication of a~~
- 20 ~~credible appraisal; and~~
- 21 ~~(ix) Knowledge of such other principles and procedures as~~
- 22 ~~may be appropriate to produce a credible appraisal; and~~
- 23 ~~(f) Not have been convicted of any felony or, if so~~
- 24 ~~convicted, have had his or her civil rights restored.~~
- 25 ~~(2) To qualify for an upgraded credential as a certified~~

1 ~~general real property appraiser, a certified residential real~~
2 ~~property appraiser shall satisfy the following requirements:~~

3 ~~(a) Complete one hundred additional hours of designated~~
4 ~~core curriculum education;~~

5 ~~(b) Meet the experience requirements pursuant to~~
6 ~~subdivision (1)(d) of section 76-2232; and~~

7 ~~(c) Meet the postsecondary educational requirements~~
8 ~~pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.~~

9 ~~(3) The scope of practice of a certified residential real~~
10 ~~property appraiser shall be limited to the appraisal of property~~
11 ~~having one, two, three, or four residential units without regard to~~
12 ~~transaction value or complexity.~~

13 ~~(4) If an applicant is applying for renewal of a~~
14 ~~credential as a certified residential real property appraiser, the~~
15 ~~applicant shall have successfully completed no fewer than fourteen~~
16 ~~hours of instruction in courses or seminars for each year of the two-~~
17 ~~year continuing education period during which the application is~~
18 ~~submitted and shall have completed the seven-hour National Uniform~~
19 ~~Standards of Professional Appraisal Practice Update Course as~~
20 ~~approved by the Appraiser Qualifications Board as of January 1, 2012,~~
21 ~~or the equivalent of the course as approved by the Real Property~~
22 ~~Appraiser Board, at a minimum of every two years. The seven-hour~~
23 ~~course shall be taught by a Uniform Standards of Professional~~
24 ~~Appraisal Practice Instructor who is certified by the Appraiser~~
25 ~~Qualifications Board and who is a state-certified appraiser in good~~

1 ~~standing. Credit toward a classroom hour requirement may be granted~~
2 ~~only if the length of the educational offering is at least two hours.~~
3 ~~The courses of study shall be conducted by an accredited, degree-~~
4 ~~awarding university, college, or community college, an appraisal~~
5 ~~society, institute, or association, a state or federal agency or~~
6 ~~commission, a proprietary school, or such other educational provider~~
7 ~~as may be approved by the Real Property Appraiser Board. Credit may~~
8 ~~be granted for educational offerings and for participation other than~~
9 ~~as a student as approved by the board.~~

10 ~~(5) The application for a credential as a certified~~
11 ~~residential real property appraiser shall include the applicant's~~
12 ~~social security number and such other information as the board may~~
13 ~~require.~~

14 ~~(1) To qualify for a credential as a certified~~
15 ~~residential real property appraiser, an applicant shall:~~

16 ~~(a) Be at least nineteen years of age;~~

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

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

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

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

25 ~~(iii) A foreign degree credential evaluation service~~

1 company that is a member of the National Association of Credential
2 Evaluation Services; or

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

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

23 (ii) Hold a bachelor's degree or higher in real estate
24 from an accredited degree-awarding college or university that has had
25 all or part of its curriculum approved by the Appraiser

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

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

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

23 (g) Certify that his or her appraiser credential, or any
24 other registration, license, or certification, held for any other
25 regulatory agency or in any other jurisdiction, has not been revoked

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

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

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

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

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

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

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

21 (k) Submit two copies of legible ink-rolled fingerprint
22 cards or equivalent electronic fingerprint submissions to the Real
23 Property Appraiser Board for delivery to the Nebraska State Patrol in
24 a form approved by both the Nebraska State Patrol and the Federal
25 Bureau of Investigation. A fingerprint-based national criminal

1 history record check shall be conducted through the Nebraska State
2 Patrol and the Federal Bureau of Investigation with such record check
3 to be carried out by the Real Property Appraiser Board; and

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

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

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

22 (b) Within the twelve months following approval of the
23 applicant's education and experience by the Real Property Appraiser
24 Board for an upgrade to a certified general real property appraiser
25 credential, pass a certified general real property appraiser

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

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

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

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

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

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

24 (5) The scope of practice for a certified residential
25 real property appraiser shall be limited to the appraisal of, and

1 review of appraisal of, residential property having no more than four
2 residential units, without regard to transaction value or complexity.
3 The appraisal of subdivisions for which a development analysis or
4 appraisal is necessary, is not included in the scope of practice for
5 a certified residential real property appraiser.

6 Sec. 19. Section 76-2232, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 76-2232 ~~(1) To qualify for a credential as a certified~~
9 ~~general real property appraiser, an applicant shall:~~

10 ~~(a) Be at least nineteen years of age;~~

11 ~~(b)(i) Hold a bachelor's degree, or higher, from an~~
12 ~~accredited, degree awarding university or college; or~~

13 ~~(ii) Have successfully completed, as verified by the~~
14 ~~board, thirty semester hours of coursework or its equivalent from an~~
15 ~~accredited, degree awarding university or college that shall have~~
16 ~~included English composition; macroeconomics; microeconomics;~~
17 ~~finance; algebra, geometry, or higher mathematics; statistics;~~
18 ~~introduction to computers, including word processing and spread~~
19 ~~sheets; business or real estate law; and two elective courses in~~
20 ~~accounting, geography, agricultural economics, business management,~~
21 ~~or real estate;~~

22 ~~(c) Have successfully completed no fewer than three~~
23 ~~hundred class hours, which may include the class hours set forth in~~
24 ~~sections 76-2229.01, 76-2230, and 76-2231.01, in board approved~~
25 ~~courses of study which relate to appraisal and which include~~

1 ~~completion of the fifteen hour National Uniform Standards of~~
2 ~~Professional Appraisal Practice Course as approved by the Appraiser~~
3 ~~Qualifications Board as of January 1, 2012, or the equivalent of the~~
4 ~~course as approved by the Real Property Appraiser Board. 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 courses of study shall be conducted by an accredited,~~
9 ~~degree awarding university, college, or community college, an~~
10 ~~appraisal society, institute, or association, a state or federal~~
11 ~~agency or commission, a proprietary school, or such other educational~~
12 ~~provider as may be approved by the Real Property Appraiser Board and~~
13 ~~shall be, at a minimum, fifteen class hours in length. Each course~~
14 ~~shall include a closed book examination pertinent to the material~~
15 ~~presented;~~

16 ~~(d) Have no fewer than three thousand hours of experience~~
17 ~~in any combination of the following: Fee and staff appraisal; ad~~
18 ~~valorem tax appraisal; condemnation appraisal; technical review~~
19 ~~appraisal; appraisal analysis; real estate consulting; highest and-~~
20 ~~best use analysis; and feasibility analysis or study. The required~~
21 ~~experience shall not be limited to the listed items but shall be~~
22 ~~acceptable to the board and subject to review and determination as to~~
23 ~~conformity with the Uniform Standards of Professional Appraisal~~
24 ~~Practice. The experience shall have occurred during a period of no~~
25 ~~fewer than thirty months. If requested, evidence acceptable to the~~

1 board concerning the experience shall be presented by the applicant
2 in the form of written reports or file memoranda;

3 (e) Within the twelve months following approval of the
4 applicant by the board, pass an examination approved by the Appraiser
5 Qualifications Board as of January 1, 2012, and administered by a
6 contracted testing service which demonstrates that the applicant has:

7 (i) Knowledge of technical terms commonly used in or
8 related to appraisal and the writing of appraisal reports;

9 (ii) Knowledge of depreciation theories, cost estimating,
10 methods of capitalization, market data analysis, appraisal
11 mathematics, and economic concepts applicable to real estate;

12 (iii) An understanding of the principles of land
13 economics, appraisal processes, and problems encountered in the
14 gathering, interpreting, and processing of data involved in the
15 valuation of real property;

16 (iv) Knowledge of the appraisal of various types of and
17 interests in real property for various functions and purposes;

18 (v) An understanding of basic real estate law;

19 (vi) An understanding of the types of misconduct for
20 which disciplinary proceedings may be initiated;

21 (vii) An understanding of the Uniform Standards of
22 Professional Appraisal Practice;

23 (viii) An understanding of the recognized methods and
24 techniques necessary for the development and communication of a
25 credible appraisal; and

1 ~~(ix) Knowledge of such other principles and procedures as~~
2 ~~may be appropriate to produce a credible appraisal; and~~

3 ~~(f) Not have been convicted of any felony or, if so~~
4 ~~convicted, have had his or her civil rights restored.~~

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

1 ~~as a student as approved by the board.~~

2 ~~(3) The application for a credential as a certified~~
3 ~~general real property appraiser shall include the applicant's social~~
4 ~~security number and such other information as the board may require.~~

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

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

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

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

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

14 (ii) The American Association of Collegiate Registrars
15 and Admissions Officers;

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

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

22 (d)(i) Have successfully completed and passed examination
23 for no fewer than three hundred class hours in Real Property
24 Appraiser Board-approved qualifying education courses as prescribed
25 by rule or regulation of the Real Property Appraiser Board and

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

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

23 (e) Have no fewer than three thousand hours of
24 experience, of which one thousand five hundred hours shall be in
25 nonresidential appraisal work, as prescribed by rule or regulation of

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

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

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

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

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

24 (ii) Any crime of fraud, dishonesty, breach of trust,
25 money laundering, misrepresentation, or deceit involving real estate,

1 financial services, or in the making of an appraisal within the five-
2 year period immediately preceding the date of application; or

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

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

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

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

21 (l) Within the twelve months following approval of the
22 applicant's education and experience by the Real Property Appraiser
23 Board, pass a certified general real property appraiser examination,
24 approved by the Appraiser Qualifications Board, prescribed by rule or
25 regulation of the Real Property Appraiser Board, and administered by

1 a contracted testing service.

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

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

13 Sec. 20. Section 76-2233, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 ~~76-2233 (1) A nonresident of this state may obtain a~~
16 ~~credential as a licensed residential real property appraiser, a~~
17 ~~certified residential real property appraiser, or a certified general~~
18 ~~real property appraiser by (a) complying with all of the provisions~~
19 ~~of the Real Property Appraiser Act relating to the appropriate~~
20 ~~classification of credentialing, (b) submitting an application on a~~
21 ~~form approved by the board, and (c) submitting an irrevocable consent~~
22 ~~that service of process upon him or her may be made by delivery of~~
23 ~~the process to the director of the board if the plaintiff cannot, in~~
24 ~~the exercise of due diligence, effect personal service upon the~~
25 ~~applicant in an action against the applicant in a court of this state~~

1 ~~arising out of the applicant's activities in this state.~~

2 ~~(2) If, in the determination of the board, another state~~
3 ~~or territory or the District of Columbia has substantially equivalent~~
4 ~~requirements to the requirements of this state, an applicant who is a~~
5 ~~resident of that state, territory, or district and is currently~~
6 ~~credentialed to appraise real estate and real property under the laws~~
7 ~~of that state, territory, or district may through reciprocity become~~
8 ~~credentialed under the act. To qualify for reciprocal credentialing,~~
9 ~~the applicant shall:~~

10 ~~(a) Submit evidence that he or she is currently a~~
11 ~~resident of the state, territory, or District of Columbia in which he~~
12 ~~or she is credentialed to appraise real estate and real property and~~
13 ~~that such credential is in good standing, along with his or her~~
14 ~~social security number and such other information as the board may~~
15 ~~require;~~

16 ~~(b) Certify that disciplinary proceedings are not pending~~
17 ~~against him or her or state the nature of any pending disciplinary~~
18 ~~proceedings;~~

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

25 ~~(d) Pay fees as established in section 76-2241; and~~

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

3 (1) An individual currently credentialed to appraise real
4 estate and real property under the laws of another jurisdiction may
5 obtain a credential as a licensed residential real property
6 appraiser, a certified residential real property appraiser, or a
7 certified general real property appraiser by complying with all of
8 the provisions of the Real Property Appraiser Act relating to the
9 appropriate classification of credentialing.

10 (2) If, in the determination of the board, the
11 applicant's jurisdiction of practice specified in an application for
12 credentialing meets or exceeds the requirements of this state, and
13 that jurisdiction is determined to be in compliance with Title XI of
14 the Financial Institutions Reform, Recovery, and Enforcement Act of
15 1989, an applicant of such jurisdiction may, through reciprocity,
16 become credentialed under the Real Property Appraiser Act.

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

19 (a) Submit evidence of experience as prescribed by rule
20 or regulation of the board. The experience shall be acceptable to the
21 board and subject to review and determination as to conformity with
22 the Uniform Standards of Professional Appraisal Practice. If
23 requested, evidence acceptable to the board concerning the experience
24 shall be presented by the applicant in the form of written reports or
25 file memoranda;

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

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

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

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

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

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

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

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

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

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

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

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

24 (4) The credential status of an applicant under this
25 section, including current standing and any disciplinary action

1 imposed against his or her credentials, shall be verified through the
2 National Registry of the Appraisal Subcommittee of the Federal
3 Financial Institutions Examination Council.

4 Sec. 21. Section 76-2233.02, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 76-2233.02 (1) A credential issued under the Real
7 Property Appraiser Act other than a temporary credential shall remain
8 in effect until December 31 of the designated year unless
9 surrendered, revoked, suspended, or canceled prior to such date. To
10 renew a valid credential, the credential holder shall file an
11 application on a form approved by the board and pay the prescribed
12 renewal fee and a criminal history record check fee for maintenance
13 of the random fingerprint audit program to the board not later than
14 November 30 of the designated year. In every second year of renewal,
15 as specified in section 76-2236, evidence of completion of continuing
16 education requirements shall accompany renewal application or be on
17 file with the board prior to renewal.

18 (2) The board shall establish a number of credential
19 holders to be selected at random to submit, along with the
20 application for renewal, two copies of legible ink-rolled fingerprint
21 cards or equivalent electronic fingerprint submissions to the board
22 for delivery to the Nebraska State Patrol in a form approved by both
23 the Nebraska State Patrol and the Federal Bureau of Investigation. A
24 fingerprint-based national criminal history record check shall be
25 conducted through the Nebraska State Patrol and the Federal Bureau of

1 Investigation with such record check to be carried out by the board.

2 (3) If a credential holder fails to apply and meet the
3 requirements for renewal by November 30 of the designated year, such
4 credential holder may obtain a renewal of such credential by
5 satisfying all of the requirements for renewal and paying a late
6 ~~renewal processing~~ fee if such late renewal takes place prior to July
7 1 of the following year. A credential holder selected at random to
8 submit fingerprint cards or equivalent electronic fingerprints that
9 has applied and met all other requirements for renewal prior to
10 November 30 of the designated year shall not pay a late processing
11 fee if fingerprint cards or equivalent electronic fingerprints are
12 received prior to November 30 of the designated year. The board may
13 refuse to renew any credential if the credential holder has continued
14 to perform real property appraisal activities or other related
15 activities in this state following the expiration of his or her
16 credential.

17 Sec. 22. Section 76-2236, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 76-2236 (1) Every credential holder shall furnish
20 evidence to the board that he or she has satisfactorily completed no
21 fewer than twenty-eight hours of approved continuing education
22 activities in each two-year continuing education period. Hours of
23 satisfactorily completed approved continuing education activities
24 cannot be carried over from one two-year continuing education period
25 to another.

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

5 (3) As prescribed by rule or regulation of the ~~board~~ Real
6 Property Appraiser Board and at least once every two years, the
7 seven-hour National Uniform Standards of Professional Appraisal
8 Practice Update Course as approved by the Appraiser Qualifications
9 Board as of January 1, 2012, 2014, or the equivalent of the course as
10 approved by the Real Property Appraiser Board, shall be included in
11 the continuing education requirement of each credential holder.

12 (4) As prescribed by rule or regulation of the Real
13 Property Appraiser Board ~~board~~ and at least once every four years, a
14 seven-hour report writing update course shall be included in the
15 continuing education requirement of each credential holder.

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

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

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

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

16 (9) The Real Property Appraiser Board shall approve
17 continuing education activities which it determines would protect the
18 public by improving the competency of credential holders. Evidence of
19 completion of such continuing education activities for the two-year
20 continuing education period may be submitted to the board as each
21 activity is completed. A person who holds a temporary or reciprocal
22 credential shall not have to meet any continuing education
23 requirements in this state.

24 Sec. 23. Section 76-2238, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 76-2238 The following acts and omissions shall be
2 considered grounds for disciplinary action or denial of an
3 application by the board:

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

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

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

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

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

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

25 ~~(5)~~-(7) Entry of a final civil or criminal judgment

1 against a credential holder, including dismissal with settlement, on
2 grounds of fraud, dishonesty, breach of trust, money laundering,
3 misrepresentation, or deceit involving real estate, financial
4 services, or in the making of an appraisal;

5 ~~(6)~~ (8) Conviction, including a conviction based upon a
6 plea of guilty or nolo contendere, of a crime which is related to the
7 qualifications, functions, or duties of a real property appraiser;

8 ~~(7)~~ (9) Engaging in the business of real property
9 appraising under an assumed or fictitious name;

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

15 ~~(9)~~ (11) Making a false or misleading statement in that
16 portion of a written appraisal report that deals with professional
17 qualifications or in any testimony concerning professional
18 qualifications;

19 ~~(10)~~ (12) Any violation of the act or any rule or
20 regulation adopted and promulgated pursuant to the act;

21 ~~(11)~~ (13) Violation of the confidential nature of any
22 information to which a credential holder gained access through
23 employment for evaluation assignments or valuation assignments;

24 ~~(12)~~ (14) Acceptance of a fee for performing a real
25 property appraisal valuation assignment or evaluation assignment when

1 the fee is or was contingent upon (a) the real property appraiser
2 reporting a predetermined analysis, opinion, or conclusion, (b) the
3 analysis, opinion, conclusion, or valuation reached, or (c) the
4 consequences resulting from the appraisal;

5 ~~(13)~~—(15) Failure or refusal to exercise reasonable
6 diligence in developing an appraisal, preparing an appraisal report,
7 or communicating an appraisal;

8 ~~(14)~~—(16) Negligence or incompetence in developing an
9 appraisal, preparing an appraisal report, or communicating an
10 appraisal, including failure to follow the standards and ethical
11 rules adopted by the board;

12 ~~(15)~~—(17) Failure to maintain, or to make available for
13 inspection and copying, records required by the board;

14 ~~(16)~~—(18) Demonstrating negligence, incompetence, or
15 unworthiness to act as an appraiser, whether of the same or of a
16 different character as otherwise specified in this section;

17 ~~(17)~~—(19) Suspension or revocation of an appraisal
18 credential or a license in another regulated occupation, trade, or
19 profession in this or any other jurisdiction;

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

22 ~~(19)~~—(21) Failure to submit or produce books, records,
23 documents, work files, appraisal reports, or other materials
24 requested by the board concerning any matter under investigation;

25 ~~(20)~~—(22) Failure of an educational provider to produce

1 records, documents, reports, or other materials, including, but not
2 limited to, required student attendance reports, to the board;

3 ~~(21)~~(23) Presentation to the board of any check which is
4 returned to the State Treasurer unpaid, whether payment of fee is for
5 an initial or renewal credential or for examination; and

6 ~~(22)~~(24) Failure to pass the examination.

7 Sec. 24. Section 76-2241, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 76-2241 The board shall charge and collect appropriate
10 fees for its services under the Real Property Appraiser Act as
11 follows:

12 (1) An application fee of one hundred fifty dollars;

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

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

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

20 (5) A temporary credential application fee for a licensed
21 residential real property appraiser, a certified residential real
22 property appraiser, or a certified general real property appraiser of
23 no more than one hundred dollars; ~~and~~

24 (6) A pocket card fee of no more than fifty dollars for a
25 licensed residential real property appraiser, certified residential

1 real property appraiser, or certified general real property appraiser
2 holding a temporary credential under the act; and -

3 (7) A criminal history record check fee of no more than
4 one hundred dollars.

5 All fees for credentialing through reciprocity shall be
6 the same as those paid by others pursuant to this section.

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

16 Sec. 25. Section 76-2249, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 76-2249 (1) The board may prepare a printed directory
19 showing the name and place of business of credential holders under
20 the Real Property Appraiser Act. Copies of the directory shall be
21 made available to the public at such reasonable price per copy as may
22 be fixed by the board and shall be provided to federal authorities as
23 required by the Financial Institutions Reform, Recovery, and
24 Enforcement Act of 1989., ~~as the act existed on January 1, 2012.~~

25 (2) The board shall provide without charge to any

1 credential holder under the ~~act~~ Real Property Appraiser Act a set of
2 rules and regulations adopted and promulgated by the board and any
3 other information which the board deems important in the area of real
4 property appraisal in the State of Nebraska. The information may be
5 printed in a booklet, a pamphlet, or any other form the board
6 determines appropriate. The board may update such material as often
7 as it deems necessary. The board may provide such material to any
8 other person upon request and may charge a fee for the material. The
9 fee shall be reasonable and shall not exceed any reasonable or
10 necessary costs of producing the material for distribution.

11 Sec. 26. Sections 15, 16, 17, 18, 19, 20, and 27 of this
12 act become operative on January 1, 2015. The other sections of this
13 act become operative on their effective date.

14 Sec. 27. Original sections 76-2228.01, 76-2230,
15 76-2231.01, 76-2232, and 76-2233, Revised Statutes Cumulative
16 Supplement, 2012, are repealed.

17 Sec. 28. Original sections 76-2201, 76-2203, 76-2217.02,
18 and 76-2227, Reissue Revised Statutes of Nebraska, and sections
19 76-2202, 76-2213.01, 76-2223, 76-2233.02, 76-2236, 76-2238, 76-2241,
20 and 76-2249, Revised Statutes Cumulative Supplement, 2012, are
21 repealed.

22 Sec. 29. Since an emergency exists, this act takes effect
23 when passed and approved according to law.