

LEGISLATIVE BILL 731

Approved by the Governor April 06, 2016

Introduced by Johnson, 23.

A BILL FOR AN ACT relating to real property; to amend section 76-2217.03, Revised Statutes Cumulative Supplement, 2014, and sections 76-2202, 76-2207.13, 76-2207.14, 76-2216.01, 76-2218.02, 76-2221, 76-2222, 76-2227, 76-2227.01, 76-2228.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236, 76-2238, and 76-2241, Revised Statutes Supplement, 2015; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

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

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

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

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

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

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

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

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

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

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

(3) Who offers, attempts, or agrees to perform or performs valuation services pursuant to subsection (~~2~~ 3) of section 76-2227.01.

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

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

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

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

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

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

(1) Any real property appraiser who is a salaried employee of (a) the federal government, (b) any agency of the state government or a political subdivision which appraises real estate, (c) any insurance company authorized to do business in this state, or (d) any bank, savings bank, savings and loan association, building and loan association, credit union, or small loan company licensed by this state or supervised or regulated by or through federal enactments covering financial institutions, except that any employee of the entities listed in subdivisions (a) through (d) of this subdivision who signs a report as a credentialed real property appraiser shall be subject to the act and the Uniform Standards of Professional Appraisal Practice. Any salaried employee of the entities listed in subdivisions (a) through (d) of this subdivision who is a credentialed real property appraiser and who does not sign a report as a credentialed real property appraiser shall include the following disclosure prominently with such report: This opinion of value may not meet the minimum standards contained in the Uniform Standards of Professional Appraisal Practice and is not governed by the Real Property Appraiser Act;

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

(3) Any person who provides assistance (a) in obtaining the data upon

which an appraisal is based, (b) in the physical preparation of a report, such as taking photographs, preparing charts, maps, or graphs, or typing or printing the report, or (c) that does not directly involve the exercise of judgment in arriving at the analyses, opinions, or conclusions concerning real estate or real property set forth in the report;

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

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

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

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

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

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

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

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

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

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

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

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

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

76-2227 (1) Applications for initial credentials, upgrade of credentials, credentials through reciprocity, temporary credentials, and renewal of credentials, including authorization to take the appropriate examination, and ~~for renewal of credentials~~ shall be made in writing to the board on forms

approved by the board. The payment of the appropriate fee in an amount established by the board pursuant to section 76-2241 shall accompany all applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Be at least nineteen years of age;

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

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

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

Appraiser Board-approved qualifying education pursuant to subdivision (1)(b)(i) (B) of this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Be at least nineteen years of age;

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

(c)(i) Have successfully completed and passed examination for no fewer than seventy-five class hours in Real Property Appraiser Board-approved qualifying education courses as prescribed by rules and regulations of the Real Property Appraiser Board and complete the fifteen-hour National Uniform Standards of Professional Appraisal Practice Course. The fifteen-hour course shall be taught by a Uniform Standards of Professional Appraisal Practice Instructor who is certified by the Appraiser Qualifications Board and who is a state-certified appraiser in good standing. The qualifying education courses shall be conducted by an accredited degree-awarding community college, college, or university, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other education provider as may be approved by the Real Property Appraiser Board, and shall be, at a minimum, fifteen class hours in length. Each course shall be conducted in a classroom and not online or by correspondence. Each course shall include an examination pertinent to the material presented. Except for the fifteen-hour National Uniform Standards of Professional Appraisal Practice Course, which shall be completed within the two-year period immediately preceding submission of the application, all class hours shall be completed within the five-year period immediately preceding submission of the application; or

(ii) Hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as required core curriculum. If the degree in real estate as approved by the Appraiser Qualifications Board does not satisfy all required qualifying education for

credentialing, the remaining class hours shall be completed in Real Property Appraiser Board-approved qualifying education pursuant to subdivision (c)(i) of this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

appraiser, a trainee real property appraiser shall:

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

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

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

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

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

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

(a) Be at least nineteen years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(ii) Any crime of fraud, dishonesty, breach of trust, money laundering, misrepresentation, or deceit involving real estate, financial services, or in~~

~~the making of an appraisal within the five-year period immediately preceding the date of application; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Be at least nineteen years of age;

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

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

- (i) An accredited degree-awarding college or university;
- (ii) The American Association of Collegiate Registrars and Admissions Officers;
- (iii) A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services; or
- (iv) A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-awarding college or university;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Be at least nineteen years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) Not have been convicted of, including a conviction based upon a plea~~

~~of guilty or nolo contendere:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Paying money or other valuable consideration other than the fees

provided for by the act to any member or employee of the board to procure a credential;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(27) Failure to pass the examination.

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

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

(a) A credential application fee of no more than one hundred fifty

dollars;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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