

## LEGISLATIVE BILL 1107

Approved by the Governor April 7, 1994

Introduced by Beutler, 28; Pirsch, 10

AN ACT relating to real estate appraisers; to amend section 2-1502, Reissue Revised Statutes of Nebraska, 1943, sections 49-14,103.01, 72-224.03, 76-706, 76-1907, 76-2201 to 76-2203, 76-2207, 76-2210, 76-2212, 76-2217.01, 76-2218, 76-2220 to 76-2226, 76-2228, 76-2229.01 to 76-2230, 76-2232 to 76-2242, 76-2246, 76-2247.01, 76-2250, 77-1333, 77-1372, and 77-2019, Revised Statutes Supplement, 1992, and sections 76-2227, 76-2229, and 76-2249, Revised Statutes Supplement, 1993; to provide for residential and general certification of real estate appraisers; to define and redefine terms; to change provisions relating to the regulatory board, registration and licensure of real estate appraisers, and reciprocity; to provide fees; to eliminate definitions and provisions on transitional licenses; to harmonize provisions; and to repeal the original sections, and also section 76-2211, Reissue Revised Statutes of Nebraska, 1943, and sections 76-2209 and 76-2217.02, Revised Statutes Supplement, 1992.

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

Section 1. That section 2-1502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1502. The purpose of the Small Watersheds Flood Control Fund is to assist local organizations by paying all or part of the cost of purchase of needed lands, easements, and rights-of-way for soil and water conservation and flood control needs when the following conditions have been met: (1) The local organizations have agreed on a program of work; (2) such a program of work has been found to be feasible, practicable, and will promote the health, safety, and general welfare of the people of the state; (3) the Nebraska Natural Resources Commission has either participated in the planning or reviewed the plans and has approved the program of work; (4) local organizations have obtained a minimum of seventy-five percent of the needed number of easements and rights-of-way in the project or a subwatershed prior to the use of state funds for this purpose; (5) local organizations have made a formal request or application to the commission for state funds for the purpose of purchasing lands, easements, and rights-of-way; (6) local organizations and the commission have entered into an agreement on the administration and expenditure of these state funds; (7) the purchase price of the land, easement, or right-of-way has been established either by the courts or by one registered, licensed, certified residential, or certified general real estate appraiser approved by the commission, which appraisal costs shall be a nonstate cost; and (8) local organizations have given assurance to the commission that they have obtained any water rights or other permits required under state or federal law and complied with all other applicable state laws.

State funds to be used for lands, easements, and rights-of-way shall be granted to the local organizations in whose name the land, easement, or right-of-way shall be recorded. Rental or lease revenue from these lands may be used subject to the approval of the commission by the local organization in the proper management of these lands, such management to include, but not be limited to, weed control, construction, and maintenance of conservation measures, seeding of grass, planting of trees, and construction and maintenance of fences. Within ten years from the purchase date of lands and rights-of-way, and if the lands and rights-of-way are not granted or retained for public purposes as otherwise provided by this section, it shall be the duty of the local organization to sell the property purchased wholly or partially from state funds and to remit to the commission a pro rata share of the proceeds of such sale equal to the percentage of the total cost of the acquisition of such real property made from any state allocation made hereunder and all such remittances shall be deposited in the Small Watersheds Flood Control Fund. The commission shall specify the terms for such sale, and the local organization shall retain any easement or right-of-way needed to assure the continued operation, maintenance, inspection, and repair of the works of improvement constructed on the land to be sold. The commission and local organization may grant for public purposes title to lands and rights-of-way acquired in whole or in part with funds from the Small Watersheds Flood Control Fund to any public district, city, county, political subdivision of the state, or agency of the state or federal government, or the

local organization, with approval of the commission, may retain for public purposes the title to such lands and rights-of-way. Whenever any such grant or retention is approved, the commission shall be reimbursed in the amount of the pro rata share of the appraised fair market value that is equal to the percentage of the total cost of acquisition paid from the Small Watersheds Flood Control Fund. All such proceeds to the commission shall be deposited in the Small Watersheds Flood Control Fund.

Sec. 2. That section 49-14,103.01, Revised Statutes Supplement, 1992, be amended to read as follows:

49-14,103.01. (1) For purposes of sections 49-14,103.01 to 49-14,103.06, unless the context otherwise requires, officer shall mean (a) a member of the board of directors of a natural resources district, (b) a member of any board or commission of any county, school district, city, or village which spends and administers its own funds, who is dealing with a contract made by such board or commission, (c) any elected county, school district, educational service unit, city, or village official, and (d) a member of any board of directors or trustees of a district hospital as provided by the Nebraska Local Hospital District Act or a county hospital as provided by sections 23-3501 to 23-3519. Officer shall not mean volunteer firefighters or ambulance drivers with respect to their duties as firefighters or ambulance drivers.

(2) Except as provided in sections 49-1499.01 and 70-624.04, no officer may have an interest in any contract to which his or her governing body, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of such contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the county attorney, the governing body, or any resident within the jurisdiction of the governing body and shall be brought within one year after the contract is signed or assigned. The decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the governing body has benefited thereby.

The prohibition in this subsection shall apply only when the officer or his or her parent, spouse, or child (a) has a business association as defined in section 49-1408 with the business involved in the contract or (b) will receive a direct pecuniary fee or commission as a result of the contract.

(3) The provisions in subsection (2) of this section shall not apply if the interested officer:

(a) Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest prior to official consideration of the contract;

(b) Does not vote on the matter of granting the contract, except that if the number of members of the governing body declaring an interest in the contract would prevent the body with all members present from securing a quorum on the issue, then all members may vote on the matter; and

(c) Does not act for the governing body which is party to the contract as to inspection or performance under the contract in which he or she has an interest.

(4) An officer who (a) has no business association as defined in section 49-1408 with the business involved in the contract or (b) will not receive a direct pecuniary fee or commission as a result of the contract shall not be deemed to have an interest within the meaning of this section.

(5) The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such governing body by a financial institution shall not be considered a contract for purposes of this section. The ownership of less than five percent of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.

(6) If an officer's parent, spouse, or child is an employee of his or her governing body, the officer may vote on all issues of the contract which are generally applicable to (a) all employees or (b) all employees within a classification and do not single out his or her parent, spouse, or child for special action.

(7) Any contract entered into with an interested officer of the governing body shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the governing body.

(8) Nothing in this section shall prohibit a director of a natural resources district from acting as a participant in any of the conservation or other general district programs which are available for like participation to other residents and landowners of the district or from granting, selling, or

otherwise transferring to such district any interest in real property necessary for the exercise of its powers and authorities if the cost of acquisition thereof is equal to or less than that established by a board of three registered, licensed, certified residential, or certified general real estate appraisers or by a court of competent jurisdiction in an eminent domain proceeding.

District payments to a director of a natural resources district of the fair market value for real property owned by him or her and needed for district projects, or for cost sharing for conservation work on such director's land or land in which a director may have an interest, shall not be deemed subject to this section.

Sec. 3. That section 72-224.03, Revised Statutes Supplement, 1992, be amended to read as follows:

72-224.03. Except as otherwise provided in section 72-222.02, any public body that has or hereafter shall be granted by the Legislature the authority to acquire educational lands for public use shall be required to condemn the interest of the state, as trustee for the public schools, in educational lands in the following manner:

(1) The proceedings shall be had before a board consisting of (a) the superintendent of a school district offering instruction in grades kindergarten through twelve, (b) a certified public accountant, and (c) a registered, licensed, certified residential, or certified general real estate appraiser, all appointed by the Governor for a term of six years, except that of the initial appointees one shall serve for a term of two years, one for a term of four years, and one for a term of six years as designated by the Governor. The members of the board shall each receive fifty dollars for each day actually engaged in the performance of official duties and shall be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177 to be paid by the Board of Educational Lands and Funds;

(2) The condemnation proceedings shall be commenced by the filing of a plat and complete description of the lands to be acquired together with an application for that purpose with the secretary of the Board of Educational Lands and Funds. Notice of the pendency of such application and the date of hearing shall be given by serving a copy of the application, together with notice of the date of hearing, upon the Governor and the Attorney General. The date of hearing shall be not less than ten days from the date of the filing of the application;

(3) The condemner and the Board of Educational Lands and Funds may present evidence before the board of appraisers. The board shall have the power to administer oaths and subpoena witnesses at the request of either party or on its own motion;

(4) After hearing the evidence, the board of appraisers shall make the award and file same in the office of the Board of Educational Lands and Funds. Such award may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act; and

(5) Upon payment of the amount of the award by the condemner, it shall be the duty of the secretary of the Board of Educational Lands and Funds to transmit a certified copy of the award to the condemner for filing in the office of the register of deeds in the county or counties where the land is located. The filing of such certified copy of the award shall have the force and effect of a deed of conveyance of the real estate and shall constitute a transfer of the title thereto.

Sec. 4. That section 76-706, Revised Statutes Supplement, 1992, be amended to read as follows:

76-706. Upon filing of a petition under either section 76-704 or 76-705, the county judge or clerk magistrate, within three days by order entered of record, shall appoint three disinterested freeholders of the county, not interested in a like question, to serve as appraisers. One appraiser so appointed shall be a registered, licensed, certified residential, or certified general real estate appraiser, except that if the county judge finds that no registered, licensed, certified residential, or certified general real estate appraiser is a disinterested freeholder of the county, this requirement shall not apply. The county judge or clerk magistrate shall direct the sheriff to summon the appraisers so selected to convene at the office of the county judge at a time specified in the summons for the purpose of qualifying as appraisers and thereafter proceed to appraise the property sought to be condemned and to ascertain and determine the damages sustained by the condemnee. Notice of intention to acquire the property and of the time and place of meeting of the board of appraisers to have the damages assessed shall be served upon the condemnee at least ten days prior to the meeting of the board of appraisers. Service of such notice shall be made in the manner provided for service of a summons in a civil action.

Sec. 5. That section 76-1907, Revised Statutes Supplement, 1992, be amended to read as follows:

76-1907. A petition filed pursuant to section 76-1906 shall:

(1) Set forth a designation of the homestead which shall, with respect to the redemptive homestead, be limited by the boundaries of any designation made pursuant to section 76-1904 in any mortgage or trust deed having priority under section 76-1905; and

(2) Include a written appraisal report prepared and signed by a registered, licensed, certified residential, or certified general real estate appraiser setting forth the appraiser's estimate and basis for such estimate of the current fair market value of each of the following: (a) The protected real estate as a whole; (b) the redemptive homestead if sold separately from the balance of the protected real estate; and (c) the balance of the protected real estate if sold separately from the redemptive homestead.

Sec. 6. That section 76-2201, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2201. Sections 76-2201 to 76-2250 and sections 11, 12, 29, and 35 of this act shall be known and may be cited as the Real Estate Appraiser Act.

Sec. 7. That section 76-2202, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2202. The Legislature finds that, because of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by the Congress of the United States, Nebraska laws providing for licensing of real estate appraisers require restructuring in order to comply with Title XI of the act. Compliance with the act 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 Title XI of the act. The restructuring of Nebraska laws by the Real Estate Appraiser Act includes the creation of a new, independent board, which may conduct its activities through the use of the State Real Estate Commission's office and staff.

Sec. 8. That section 76-2203, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2203. For purposes of the Real Estate Appraiser Act, the definitions found in sections 76-2204 to 76-2219 and sections 11 and 12 of this act shall be used.

Sec. 9. That section 76-2207, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2207. Appraiser trainee shall mean an employee of a person who, under the direct supervision of a registered, licensed, certified residential, or certified general real estate appraiser, who assists the appraiser in any phase of appraisal but shall not include nonprofessional employees such as clerical employees.

Sec. 10. That section 76-2210, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2210. Certified general real estate appraiser shall mean a person who holds a valid general certificate as a certified general real estate appraiser issued under the Real Estate Appraiser Act.

Sec. 11. Certified real estate appraiser shall mean a person who holds a valid certificate as a certified general real estate appraiser or a valid certificate as a certified residential real estate appraiser issued under the Real Estate Appraiser Act.

Sec. 12. Certified residential real estate appraiser shall mean a person who holds a valid certificate as a certified residential real estate appraiser issued under the Real Estate Appraiser Act.

Sec. 13. That section 76-2212, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2212. Evaluation assignment shall mean an assignment that relates to the nature, quality, or utility of identified real estate or identified real property and which typically does not include a value estimate. Evaluation assignment shall include the following: Real estate counseling reports that analyze identified real estate or identified real property and express an opinion or conclusion relating to the desirability of investing in; holding; improving; or selling such identified real estate or identified real property; market demand and economic feasibility studies relating to identified real estate or identified real property; and highest and best use studies relating to identified real estate or identified real property. Evaluation assignment shall not include reports prepared by experts from professional disciplines other than real estate appraisal such as: A soil test or soil analysis of identified real estate prepared by a civil engineer; a title opinion or zoning analysis of identified real estate prepared by a lawyer; an architectural analysis of identified improved real estate prepared

by an architect; and a property management analysis of identified improved real estate prepared by a property manager or property management consultant.

Sec. 14. That section 76-2217.01, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2217.01. Registered real estate appraiser shall mean a person who ~~is registered~~ holds a valid registration as a registered real estate appraiser under the Real Estate Appraiser Act.

Sec. 15. That section 76-2218, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2218. Two-year continuing education period shall mean a period of twenty-four months commencing on January 1 following the date of registration, licensure, or certification of the real estate appraiser or January 1, 1991, whichever is later, and each succeeding twenty-four-month period.

Sec. 16. That section 76-2220, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2220. Except as provided in section 76-2221, it shall be unlawful for anyone to act as a real estate appraiser in this state without first registering or obtaining a license or residential or general certificate as provided in the Real Estate Appraiser Act.

Sec. 17. That section 76-2221, Revised Statutes Supplement, 1992, be amended to read as follows:

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

(1) Any real estate 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, industrial loan and investment company, or small loan company licensed by the 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 also practices as an independent real estate appraiser for others shall be subject to the act and shall be registered, licensed, or residential or general certified prior to engaging in such other appraising;

(2) A person who, in the ordinary course of his or her business, gives an opinion as to the price of real estate for the purpose of a prospective listing or sale, except that such opinion as to the listing price or the sale price shall not be referred to as an appraisal. No compensation, fee, or other consideration shall be charged for such opinion other than a real estate commission or brokerage fee charged or paid for brokerage services rendered in connection with the sale of the real estate involved;

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

(4) An appraiser trainee;

(5) Any person who renders an estimate or opinion of value of real estate or any interest in real estate when such estimate or opinion is for the purpose of real estate taxation or an employee of such person; or

(6) Any person 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.

Sec. 18. That section 76-2222, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2222. (1) The Real Estate Appraiser Board is hereby created. The board shall consist of five members, one member who is a licensed or certified real estate 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 or salesperson. The Governor shall appoint the members of the board. ~~Commencing January 1, 1992, the~~ The members shall be appointed so that the membership of the board selected from the congressional districts includes at least two certified general real estate appraisers.

(2) The term of each member of the board shall be five years, except that of the members initially appointed one shall serve for one year, one shall serve for two years, one shall serve for three years, and one shall serve for four years as designated by the Governor. 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 more than two 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) Four members shall constitute a quorum. Each member shall receive a per diem of one hundred dollars per day or substantial part of a day for each scheduled meeting of the board at which the member is present and shall be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 19. That section 76-2223, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2223. The board shall administer and enforce the Real Estate Appraiser Act and may:

(1) Receive applications for real estate appraiser registrations, licenses, and certificates, process such applications, register and issue licenses and residential and general certificates to qualified applicants, and maintain a directory of the names and addresses of persons who are registered, licensed, or residential or general certified;

(2) Hold meetings, public hearings, informal conferences, and administrative hearings, prepare or cause to be prepared specifications for all registration, licensure, and residential and general certification examinations, solicit bids and enter into contracts with one or more educational testing services or organizations for the preparation of a bank of questions and answers for registration, licensure, and certification examinations, and administer or contract for the administration of examinations in such places and at such times as deemed appropriate;

(3) Develop the specifications for registration, licensure, and residential and general certification examinations;

(4) Review from time to time the procedure for selecting individual questions from the bank of questions for use in connection with each scheduled examination and review from time to time the questions in the bank of questions and the related answers to ascertain that they meet the specifications established by the board;

(5) Collect all registration, license, and residential and general certificate fees required or permitted by the act and remit all such receipts to the State Treasurer for credit to the Real Estate Appraiser Fund. In addition, the board may collect and transmit to the appropriate federal authority any fees established under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

(6) Establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the Real Estate Appraiser Act;

(7) Compel the attendance of witnesses and the production of books, documents, records, and other papers, administer oaths, and take testimony and receive evidence concerning all matters within its jurisdiction;

(8) Deny, censure, suspend, or revoke an application, registration, license, or residential and general certificate if, after an administrative hearing, it finds that the applicant, registrant, licensee, or certificate holder has committed any of the acts or omissions set forth in section 76-2238. Any disciplinary matter may be resolved through informal disposition pursuant to section 84-913;

(9) Take appropriate disciplinary action against a registrant, licensee, or certificate holder if, after an administrative hearing, the board determines that a registrant, licensee, or certificate holder has violated the standards of professional appraisal practice or ethical rules established under section 76-2237;

(10) Promote research and conduct studies relating to the profession of real estate appraisal and sponsor real estate appraisal educational activities;

(11) Establish minimum standards for appraisals;

(12) Adopt and promulgate rules and regulations to carry out the act. The rules and regulations may include provisions establishing minimum standards for schools, courses, and instructors. The rules and regulations shall be adopted pursuant to the Administrative Procedure Act; and

(13) Do all other things necessary to carry out the act Real Estate Appraiser Act.

Sec. 20. That section 76-2224, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2224. In order to administer and enforce the Real Estate Appraiser Act, the board may hire a director and other staff, rent office

space, and acquire other facilities and equipment. The board may contract with the ~~commission~~ for administrative assistance, including facilities, equipment, supplies, and personnel that are required by the board to carry out its responsibilities under the act.

Sec. 21. That section 76-2225, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2225. The members of the board shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of or any disciplinary proceeding concerning a registered, licensed, certified residential, or certified general real estate appraiser pursuant to the Real Estate Appraiser Act if such action is taken without malicious intent and in the reasonable belief that it was taken pursuant to the powers vested in the members of the board.

Sec. 22. That section 76-2226, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2226. There is hereby created the Real Estate Appraiser Fund. The board may use the fund for the administration and enforcement of the Real Estate Appraiser Act. The expense of administering and enforcing the act shall not exceed the money collected by the board under the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~The State Treasurer shall transfer any money in the Real Estate Appraiser Licensing and Certification Fund on May 18, 1991, to the Real Estate Appraiser Fund on such date.~~

Sec. 23. That section 76-2227, Revised Statutes Supplement, 1993, be amended to read as follows:

76-2227. (1) Applications for registration, licensure, or residential or general certification, including authorization to take the appropriate examination, and for renewal of a registration, license, or residential or general certificate, and to take an examination shall be made in writing to the board on forms approved by the board. The payment of the appropriate fee fixed by the board pursuant to section 76-2241 shall accompany all applications for registration, licensure, or residential or general certification, and applications for annual renewal of a registration, license, or residential or general certificate, and to take an examination.

(2) At the time of filing an initial or renewal application for registration, licensure, or residential or general certification, the applicant shall sign a pledge that he or she has read and will comply with the standards of professional appraisal practice and the ethical rules established under section 76-2237. Each applicant shall also certify that he or she understands the types of misconduct for which disciplinary proceedings may be initiated.

(3) No registration, license, or residential or general certificate shall be issued to a corporation, partnership, limited liability company, firm, or group.

Sec. 24. That section 76-2228, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2228. There shall be ~~three~~ four classes of real estate appraisers as follows:

(1) Registered real estate appraiser, which classification shall consist of those persons who meet the requirements for registration set forth in section 76-2229.01;

(2) Licensed real estate appraiser, which classification shall consist of those persons who meet the requirements for licensure set forth in section 76-2230; ~~and~~

(3) Certified residential real estate appraiser, which classification shall consist of those persons who meet the requirements for residential certification set forth in section 29 of this act; and

(4) Certified general real estate appraiser, which classification shall consist of those persons who meet the requirements for general certification set forth in section 76-2232.

Sec. 25. That section 76-2229, Revised Statutes Supplement, 1993, be amended to read as follows:

76-2229. (1) No person other than a registered real estate appraiser shall assume or use the title registered real estate appraiser or any title, designation, or abbreviation likely to create the impression of registration as a real estate appraiser by this state. No person other than a licensed real estate appraiser shall assume or use the title licensed real estate appraiser or any title, designation, or abbreviation likely to create the impression of licensure as a real estate appraiser by this state. No person other than a certified residential real estate appraiser shall assume or use the title certified residential real estate appraiser or any title, designation, or abbreviation likely to create the impression of residential



certification as a real estate appraiser by this state. No person other than a certified general real estate appraiser shall assume or use the title certified general real estate appraiser or any title, designation, or abbreviation likely to create the impression of general certification as a real estate appraiser by this state. A real estate appraiser shall state whether he or she is registered, licensed, or residential or general certified whenever he or she identifies himself or herself as a real estate appraiser, including on all reports which are signed individually or as cosigner.

(2) Only a person who has been certified as a certified real estate appraiser may prepare and sign a certified appraisal report relating to real estate or real property in this state, except that an appraiser trainee or a registered or licensed real estate appraiser may assist a certified real estate appraiser in the appraisal process and may cosign the report. A person who has not been certified as a certified real estate appraiser shall not describe or refer to any appraisal or appraisal report relating to real estate or real property in this state by the terms certified appraisal or certified appraisal report unless such person cosigned such report with a certified real estate appraiser.

(3) (2) The term certified terms registered, licensed, certified residential, and certified general real estate appraiser may only be used to refer to a person who is a certified registered, licensed, certified residential, or certified general real estate appraiser under the Real Estate Appraiser Act and may not be used following or immediately in connection with the name or signature of a corporation, partnership, limited liability company, firm, or group or in such manner that it might be interpreted as referring to a corporation, partnership, limited liability company, firm, or group or to anyone other than the registrant, licensee, or certificate holder. This requirement shall not be construed to prevent a certified registered, licensed, certified residential, or certified general real estate appraiser from signing a certified appraisal report on behalf of a corporation, partnership, limited liability company, firm, or group if it is clear that only the person is registered, licensed, or certified and that the corporation, partnership, limited liability company, firm, or group is not.

Sec. 26. That section 76-2229.01, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2229.01. To register as a real estate appraiser, an applicant shall:

- (1) Be at least nineteen years of age;
- (2) Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;
- (3) Have successfully completed not less than seventy-five class hours in board-approved courses of study approved by the board which relate to appraisal and which include coverage of a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length;

(4) Pass an examination administered by the board which demonstrates that the applicant has:

- (a) Knowledge of the English language, including terms commonly used in or related to appraisal and the writing of appraisal reports;
- (b) Knowledge of depreciation theories, cost estimating, methods of capitalization, market data analysis, and appraisal mathematics;
- (c) An understanding of the principles of land economics, appraisal processes, and problems encountered in the gathering, interpreting, and processing of data involved in the valuation of real property; and
- (d) Knowledge of the appraisal of various types of and interests in real property for various functions and purposes; and
- (e) An understanding of basic real estate law; and
- (f) An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and

(5)(a) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (b) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

Sec. 27. That section 76-2229.02, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2229.02. The board shall waive the requirements in section 76-2229.01 for an applicant who on January 1, 1991, holds a real estate appraiser license issued in Nebraska. All registered real estate appraisers who have not successfully completed an approved fifteen-hour Uniform Standards



of Professional Appraisal Practice course since January 1, 1991, shall take and pass such course to be eligible for renewal of registration by December 31, 1997.

Sec. 28. That section 76-2230, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2230. To qualify for a license as a real estate appraiser, an applicant shall:

- (1) Be at least nineteen years of age;
- (2) Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;
- (3) Have successfully completed not less than seventy-five class hours, which may include the class hours set forth in section 76-2229.01, in board-approved courses of study approved by the board which relate to appraisal and which include coverage of a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length. ~~Until January 1, 1993, the board, upon request, shall grant a one-year extension of time to complete this requirement after issuance of a transitional license. The requirement shall be completed by January 1, 1994 and shall include an examination pertinent to the material presented;~~

(4) Have no less than two years of experience in any combination of the following: Fee and staff appraisal; ad valorem tax appraisal; review appraisal; appraisal analysis; real estate counseling; highest-and-best-use analysis; or feasibility analysis or study. ~~or teaching of appraisal courses.~~ The required experience shall not be limited to the listed items but shall be acceptable to the board and subject to review and determination as to conform with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least two thousand hours and shall have occurred over at least a twenty-four-month period. 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. ~~Until January 1, 1993, the board, upon request, shall grant a one-year extension of time to complete this requirement after issuance of a transitional license. The requirement shall be completed by January 1, 1994.~~

(5) Pass an examination administered by the board which demonstrates that the applicant has:

- (a) Knowledge of the English language, including terms commonly used in or related to appraisal and the writing of appraisal reports;
  - (b) Knowledge of depreciation theories, cost estimating, methods of capitalization, market data analysis, and appraisal mathematics;
  - (c) An understanding of the principles of land economics, appraisal processes, and problems encountered in the gathering, interpreting, and processing of data involved in the valuation of real property;
  - (d) Knowledge of the appraisal of various types of and interests in real property for various functions and purposes;
  - (e) An understanding of basic real estate law; and
  - (f) An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and
- (6)(a) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (b) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

Sec. 29. To qualify for a residential certificate as a certified residential real estate appraiser, an applicant shall:

- (1) Be at least nineteen years of age;
- (2) Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;
- (3) Have successfully completed not less than one hundred twenty class hours, which may include the class hours set forth in sections 76-2229.01 and 76-2230, in board-approved courses of study which relate to appraisal and which include a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length and shall include an examination pertinent to the material presented;

(4) Have no less than two years of experience in any combination of the following: Fee and staff appraisal; ad valorem tax appraisal; review

appraisal; appraisal analysis; highest-and-best-use analysis; or feasibility analysis or study. The required experience shall not be limited to the listed items but shall be acceptable to the board and subject to review and determination as to conformity with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least two thousand hours and shall have occurred over no less than a twenty-four-month period. 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. Of the two thousand hours, one thousand hours shall be in residential appraisal work. For purposes of determining residential appraisal work, residential appraisal work shall be the appraisal of property having one to four residential units;

(5) Pass an examination administered by the board which demonstrates that the applicant has:

(a) Knowledge of technical terms commonly used in or related to appraisal, appraisal report writing, and economic concepts applicable to real estate;

(b) An understanding of the basic principles of land economics, appraisal processes, and problems encountered in gathering, interpreting, and processing of data involved in the valuation of real property;

(c) An understanding of the standards for the development and communication of appraisals as provided in the Real Estate Appraiser Act;

(d) An understanding of the standards of professional appraisal practice and ethical rules that a real estate appraiser is required to observe;

(e) Knowledge of depreciation theories, cost estimating, methods of capitalization, and appraisal mathematics;

(f) Knowledge of such other principles and procedures as may be appropriate for certification;

(g) An understanding of real estate law; and

(h) An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and

(6) (a) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (b) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

Sec. 30. That section 76-2232, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2232. To qualify for a general certificate as a certified general real estate appraiser, an applicant shall:

(1) Be at least nineteen years of age;

(2) Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;

(3) Have successfully completed not less than one hundred sixty-five class hours, which may include the class hours set forth in sections 76-2229.01 and 76-2230 and section 29 of this act, in board-approved courses of study approved by the board which relate to appraisal and which include coverage of a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length and shall include an examination pertinent to the material presented;

(4) Have two years of experience in any combination of the following: Fee and staff appraisal; ad valorem tax appraisal; review appraisal; appraisal analysis; real estate counseling; highest-and-best-use analysis; or feasibility analysis or study. or teaching of appraisal courses. The required experience shall not be limited to the listed items but shall be acceptable to the board and conform with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least two thousand hours and shall have occurred over at least a twenty-four-month period. 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. Of the two thousand hours, one thousand hours shall be in nonresidential appraisal work. For purposes of determining nonresidential appraisal work, residential appraisal work shall be the appraisal of property having one to four residential units;

(5) Pass an examination administered by the board which demonstrates that the applicant has:

(a) Knowledge of technical terms commonly used in or related to appraisal, appraisal report writing, and economic concepts applicable to real estate;

(b) An understanding of the basic principles of land economics, appraisal processes, and problems encountered in gathering, interpreting, and processing of data involved in the valuation of real property;

(c) An understanding of the standards for the development and communication of appraisals as provided in the Real Estate Appraiser Act;

(d) An understanding of the standards of professional appraisal practice and ethical rules that a real estate appraiser is required to observe;

(e) Knowledge of depreciation theories, cost estimating, methods of capitalization, and appraisal mathematics;

(f) Knowledge of such other principles and procedures as may be appropriate for general certification;

(g) An understanding of basic real estate law; and

(h) An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and

(6)(a) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (b) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

Sec. 31. That section 76-2233, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2233. (1) A nonresident may register or obtain a license or residential or general certificate as a real estate appraiser by (a) complying with all of the provisions of the Real Estate Appraiser Act relating to the registration, licensure, or residential or general certification of real estate appraisers, (b) submitting an application on a form approved by the board, and (c) submitting 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 estate appraiser in this state.

(2) If, in the determination of the board, another state or territory or the District of Columbia has substantially equivalent requirements to the requirements of this state, an applicant who is a resident of that state, territory, or district and is currently registered, licensed, residential or general certified, or otherwise authorized to appraise real estate and real property under the laws of such other that state, or territory, or district or the District of Columbia may through reciprocity become a registered, licensed, certified residential, or certified general real estate appraiser under the act. To qualify for reciprocal registration, licensure, or general or residential certification, the applicant shall:

(a) Submit evidence that he or she is a resident of and is currently in good standing in the state, territory, or District of Columbia in which he or she is registered, licensed, residential or general certified, or otherwise authorized to appraise real estate and real property; in another state or territory or the District of Columbia;

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

(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 as a real estate appraiser in this state;

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

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

The board may waive the residence requirement of this subsection under special residency circumstances.

Sec. 32. That section 76-2233.01, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2233.01. A nonresident may temporarily register or obtain a temporary license or residential or general certificate to perform a contract relating to the appraisal of real estate or real property in this state. To qualify for temporary registration or for the issuance of a temporary license or residential or general certificate, an applicant shall:

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

(2) 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 estate appraiser in this state;

(3) Submit evidence that he or she is registered, licensed, residential or general certified, or otherwise authorized to appraise real estate and real property in another state or territory or the District of Columbia and is currently in good standing in the jurisdiction of residency;

(4) Certify that disciplinary proceedings are not pending against him or her or state the nature of any pending disciplinary proceedings; and

(5) Pay an application fee in an amount established by the board.

A temporary registration or a temporary license or residential or general certificate issued under this section shall be expressly limited to a grant of authority to perform the appraisal work required by the contract for appraisal services in this state. Each temporary registration, license, or residential or general certificate shall expire upon the completion of the appraisal work required by the contract for appraisal services or upon the expiration of a period of six months from the date of issuance, whichever occurs first. A temporary registration, license, or residential or general certificate may not be renewed.

Sec. 33. That section 76-2233.02, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2233.02. Any registration under the Real Estate Appraiser Act other than a temporary registration shall remain in effect until December 31 following the date of registration unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid registration, the registrant shall file an application on a form approved by the board and pay the prescribed renewal fee to the board not later than November 30 of each year. Each application for renewal shall be accompanied by evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in section 76-2236. In every second year of renewal, as specified in section 76-2236, evidence of completion of continuing education requirements shall accompany renewal application or be on file with the board prior to renewal.

If a registrant fails to apply and meet the requirements for a renewal of a registration as a real estate appraiser by November 30, such registrant may obtain a renewal of such registration by satisfying all of the requirements for renewal and paying a late renewal fee if such late renewal takes place prior to July 1 of the following year. The board may refuse to renew any registration if the registrant has continued to perform real estate appraisal activities or other related activities in this state following the expiration of his or her registration.

Sec. 34. That section 76-2234, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2234. Any license issued under the Real Estate Appraiser Act other than a temporary license shall remain in effect until December 31 following the date of issuance unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid license, the licensee shall file an application on a form approved by the board and pay the prescribed renewal fee to the board not later than November 30 of each year. Each application for renewal shall be accompanied by evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in section 76-2236. In every second year of renewal, as specified in section 76-2236, evidence of completion of continuing education requirements shall accompany renewal application or be on file with the board prior to renewal.

If a licensee fails to apply and meet the requirements for a renewal of a license as a real estate appraiser by November 30, such licensee may obtain a renewal of such license by satisfying all of the requirements for renewal and paying a late renewal fee if such late renewal takes place prior to July 1 of the following year. The board may refuse to renew any license if the licensee has continued to perform real estate appraisal activities or other related activities in this state following the expiration of his or her license.

Sec. 35. Any residential certificate issued under the Real Estate Appraiser Act other than a temporary residential certificate shall remain in effect until December 31 following the date of issuance unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid residential certificate, the certificate holder shall file an application on a form approved by the board and pay the prescribed renewal fee to the board no later than November 30 of each year. In every second year of renewal, as specified in section 76-2236, evidence of completion of continuing education requirements shall accompany renewal application or be on file with the board prior to renewal.

If a residential certificate holder fails to apply and meet the requirements for renewal of a certificate by November 30, such residential certificate holder may obtain renewal of such certificate by satisfying all of the requirements for renewal and paying a late renewal fee if such late renewal takes place prior to July 1 of the following year. The board may refuse to renew any residential certificate if the residential certificate holder has continued to perform real estate appraisal activities or other related activities in this state following the expiration of his or her residential certificate.

Sec. 36. That section 76-2235, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2235. Any general certificate issued under the Real Estate Appraiser Act other than a temporary certificate shall remain in effect until December 31 following the date of issuance unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid general certificate, the certificate holder shall file an application on a form approved by the board and pay the prescribed renewal fee to the board no later than November 30 of each year. Each application for renewal shall be accompanied by evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in section 76-2236. In every second year of renewal, as specified in section 76-2236, evidence of completion of continuing education requirements shall accompany renewal application or be on file with the board prior to renewal.

If a general certificate holder fails to apply and meet the requirements for renewal of a general certificate by November 30, such general certificate holder may obtain renewal of such general certificate by satisfying all of the requirements for renewal and paying a late renewal fee if such late renewal takes place prior to July 1 of the following year. The board may refuse to renew any general certificate if the general certificate holder has continued to perform real estate appraisal activities or other related activities in this state following the expiration of his or her general certificate.

Sec. 37. That section 76-2236, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2236. Beginning January 1, 1991, every Every registered real estate appraiser, licensed real estate appraiser, certified residential real estate appraiser, and certified general real estate appraiser shall furnish evidence to the board that he or she has satisfactorily completed twenty hours of approved continuing education activities in each two-year continuing education period. The board may extend or waive these requirements. Every four years, beginning January 1, 1995, an update seminar of no less than seven hours, covering the Uniform Standards of Professional Appraisal Practice, shall be included in the continuing education requirement of each registered, licensed, certified residential, and certified general real estate appraiser. The board shall approve continuing education activities which it determines would protect the public by improving the competency of registrants, licensees, and certificate holders. Evidence of completion of such continuing education activities for the two-year continuing education period shall be retained by each real estate appraiser and may be submitted to the board when the total hour requirement has been met as each activity is completed. A person who has been temporarily registered or issued a temporary license or residential or general certificate shall not have to meet any continuing education requirements in this state.

Sec. 38. That section 76-2237, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2237. Each registered, licensed, certified residential, or certified general real estate appraiser shall comply with generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. The board shall adopt and promulgate rules and regulations which may conform to the generally accepted standards of professional appraisal practice evidenced by the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Foundation. A copy of each such rule or regulation shall be mailed to the business address of each registered, licensed, certified residential, or certified general real estate appraiser.

Sec. 39. That section 76-2238, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2238. The following acts and omissions shall be considered grounds for disciplinary action by the board:

(1) Failing to meet the minimum qualifications for registration, licensure, or residential or general certification established by or pursuant to the Real Estate Appraiser Act;

(2) Procuring or attempting to procure registration, licensure, or residential or general certification 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 registration, licensure, or residential or general certification 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 registration, licensure, or residential or general certification;

(4) An act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the registrant, licensee, residential or general certificate holder, or another person or with the intent to substantially injure another person;

(5) Entry of a final civil or criminal judgment against a registrant, licensee, or residential or general certificate holder on grounds of fraud, misrepresentation, or deceit in the making of an appraisal;

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

(7) Engaging in the business of real estate appraising under an assumed or fictitious name;

(8) 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 section;

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

(10) Any violation of the act or any rule or regulation issued pursuant to the act;

(11) Violation of the confidential nature of any information to which a registrant, licensee, or residential or general certificate holder gained access through employment for evaluation assignments or valuation assignments;

(12) Acceptance of a fee for performing a real estate appraisal valuation assignment or evaluation assignment other than an advocate consulting service when the fee is or was contingent upon (a) the real estate appraiser reporting a predetermined analysis, opinion, or conclusion, (b) the analysis, opinion, conclusion, or valuation reached, or (c) the consequences resulting from the appraisal;

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

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

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

Sec. 40. That section 76-2239, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2239. 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 Real Estate Appraiser Act by any registrant, licensee, or residential or general certificate holder or applicant for registration, licensure, or residential or general certification. The board may revoke or suspend the registration, license, or residential or general certificate or otherwise discipline a registrant, licensee, or residential or general certificate holder or deny any application for any of the acts or omissions set forth in section 76-2238. Upon receipt of information indicating that a registrant, licensee, or residential or general certificate holder may have violated any provision of the act, the board shall make an investigation of the facts to determine whether or not there is evidence of a violation. If technical assistance is required, the board may contract with or use qualified individuals or companies.

If an investigation indicates that a registrant, licensee, or residential or general certificate holder has may have violated a provision of the act, the board may offer the registrant, licensee, or residential or general certificate holder an opportunity to voluntarily and informally discuss the alleged violation before the board. The board may enter into consent agreements or negotiate settlements. If an investigation indicates that a registrant, licensee, or residential or general certificate holder has



violated a provision of the act, a formal complaint shall be prepared by the board and served upon the registrant, licensee, or residential or general certificate holder. The complaint shall require the registrant, licensee, or residential or general certificate holder to file an answer within twenty ~~thirty~~ days of the date of service. In responding to a complaint, the registrant, licensee, or residential or general certificate holder may admit the allegations of the complaint, deny the allegations of the complaint, or plead otherwise. Failure to make a timely response shall be deemed an admission of the allegations of the complaint. Upon receipt of an answer to the complaint, the director or chairperson of the board shall set a date, time, and place for an administrative hearing on the complaint. The date of the hearing shall not be less than thirty nor more than one hundred twenty days from the date that the answer is filed unless such date is extended for good cause.

Sec. 41. That section 76-2240, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2240. (1) The administrative hearing on the allegations in the complaint filed pursuant to section 76-2239 shall be heard by the board at the time and place prescribed by the board and in accordance with the Administrative Procedure Act. If, at the conclusion of the hearing, the board determines that the registrant, licensee, or residential or general certificate holder is guilty of the violation, it shall take such disciplinary action as it deems appropriate. Disciplinary actions which may be taken shall include revocation, suspension, probation, admonishment, letter of reprimand, and formal censure, with or without publication, of the registrant, licensee, or residential or general certificate holder and may or may not include an education requirement.

(2) The decision and order of the board shall be final. Any decision or order of the board may be appealed. The appeal shall be on questions of law only and otherwise shall be in accordance with the Administrative Procedure Act.

Sec. 42. That section 76-2241, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2241. The board shall charge and collect appropriate fees for its services under the Real Estate Appraiser Act as follows:

- (1) A registration application fee of one hundred dollars;
- (2) A registration examination fee of no more than ~~one~~ two hundred dollars. The board may direct applicants to pay the fee directly to a third party who has contracted to administer the examination;
- (3) An initial registration fee of no more than one hundred dollars;
- (4) A registration renewal fee of no more than one hundred dollars;
- (5) A late renewal fee for registration of twenty-five dollars for each month or portion of a month the fee is late;
- (6) A temporary registration application fee of one hundred dollars;
- (7) A temporary registration fee of no more than fifty dollars;
- (8) A license application fee of one hundred dollars;
- (9) A license examination fee of no more than two hundred dollars. The board may direct applicants to pay the fee directly to a third party who has contracted to administer the examination;
- (10) An initial license fee of no more than two hundred dollars;
- (11) A license renewal fee of no more than two hundred dollars;
- (12) A late renewal fee for licensure of twenty-five dollars for each month or portion of a month the fee is late;
- (13) A temporary license application fee of one hundred dollars;
- (14) A temporary license fee of no more than one hundred dollars;
- (15) A transitional license application fee of one hundred dollars;
- (16) A transitional license examination fee of no more than two hundred dollars. The board may direct applicants to pay the fee directly to a third party who has contracted to administer the examination;
- (17) An initial transitional license fee of no more than two hundred dollars;
- (15) A residential certification application fee of one hundred dollars;
- (16) A residential certification examination fee of no more than two hundred dollars. The board may direct applicants to pay the fee directly to a third party who has contracted to administer the examination;
- (17) An initial residential certification fee of no more than three hundred dollars;
- (18) A residential certification renewal fee of no more than three hundred dollars;
- (19) A late renewal fee for residential certification of twenty-five dollars for each month or portion of a month the fee is late;



(20) A temporary residential certification application fee of one hundred dollars;

(21) A temporary residential certification fee of no more than one hundred fifty dollars;

(22) ~~(18)~~ A general certification application fee of one hundred dollars;

~~(19)~~ (23) A general certification examination fee of no more than two hundred dollars. The board may direct applicants to pay the fee directly to a third party who has contracted to administer the examination;

~~(20)~~ (24) An initial general certification fee of no more than three hundred dollars;

~~(21)~~ (25) A general certification renewal fee of no more than three hundred dollars;

(22) (26) A late renewal fee for general certification of twenty-five dollars for each month or portion of a month the fee is late;

(23) (27) A temporary general certification application fee of one hundred dollars; and

(24) (28) A temporary general certification fee of no more than one hundred fifty dollars.

All fees for registration, licensure, and residential and general certification through reciprocity shall be the same as those paid by others pursuant to this section.

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. All fees and other revenue collected pursuant to the ~~act~~ Real Estate Appraiser Act shall be remitted by the board to the State Treasurer for credit to the Real Estate Appraiser Fund.

Sec. 43. That section 76-2242, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2242. (1) The board shall provide to each registrant proof that such person has been registered under the Real Estate Appraiser Act. The board ~~may~~ shall also issue a pocket card in such size and form as it may approve.

(2) The board shall issue to each licensee a license stating that such person has been licensed under the act. The board ~~may~~ shall also issue a pocket card in such size and form as it may approve.

(3) The board shall issue to each holder of a residential certificate a certificate stating that such person has been residential certified under the act. The board shall also issue a pocket card in such size and form as it may approve.

(4) The board shall issue to each holder of a general certificate holder a certificate stating that such person has been general certified under the act. The board ~~may~~ shall also issue a pocket card in such size and form as it may approve.

~~(4)~~ (5) Each registration, license, or residential or general certificate shall designate the principal place of business of the registrant, licensee, or certificate holder.

~~(5)~~ (6) Registrations, licenses, residential or general certificates, and pocket cards shall remain the property of the state and, upon surrender, cancellation, suspension, or revocation of a registration, license, or residential or general certificate, any person holding the related registration, license, residential or general certificate, or pocket card shall immediately return such registration, license, residential or general certificate, or pocket card to the board.

Sec. 44. That section 76-2246, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2246. Any person required to be registered, licensed, or residential or general certified by the Real Estate Appraiser Act who engages in real estate appraisal activity in this state without registering or obtaining a license or certificate shall be guilty of a Class III misdemeanor and shall be ineligible to register or obtain a license or certificate for a period of one year from the date of his or her conviction of such offense. The board may, in its discretion, register or grant a license or residential or general certificate to such person within such one-year period upon application and after an administrative hearing.

Sec. 45. That section 76-2247.01, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2247.01. A person may retain or employ a registered, licensed, certified residential, or certified general real estate appraiser to provide

appraisal services, including, but not limited to, valuation assignments, consulting services, or advocate consulting services. In each case, the appraisal and the appraisal report shall comply with the Real Estate Appraiser Act and the Uniform Standards of Professional Appraisal Practice.

In a valuation assignment, the real estate appraiser shall remain an impartial, disinterested third party. When providing a consulting service, the real estate appraiser may complete the evaluation assignment in a manner that responds to a client's stated objective but shall also remain an impartial, disinterested third party. Compensation of a real estate appraiser for either a valuation assignment or consulting service shall not be contingent upon the real estate appraiser reporting a predetermined analysis, opinion, or conclusion reached or upon the results achieved.

For an advocate consulting service, the real estate appraiser may be paid a fixed fee or a fee that is contingent on the results achieved by the advocate consulting service. If a real estate appraiser enters into an agreement to perform an advocate consulting service, this fact shall be clearly stated in each written and oral report, in each letter of transmittal, and in the certification statement.

Sec. 46. That section 76-2249, Revised Statutes Supplement, 1993, be amended to read as follows:

76-2249. The board may prepare a directory showing the name and place of business of real estate appraisers registered, licensed, or residential or general certified under the Real Estate Appraiser Act. Copies of the directory shall be made available to the public at such reasonable price per copy as may be fixed by the board and shall be provided to federal authorities as required by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Sec. 47. That section 76-2250, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2250. The board may, upon payment of a fee in an amount specified in its rules and regulations, issue a certificate of good standing to any registered, licensed, certified residential, or certified general real estate appraiser who is in good standing in this state.

Sec. 48. That section 77-1333, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1333. The Tax Commissioner shall provide to each county or multicounty assessment district at the request of such county or district the services of registered, licensed, certified residential, or certified general real estate appraisers for the appraisal of major industrial and commercial properties. The properties to be so appraised shall be determined by the Tax Commissioner after consultation with county assessors. In making such determinations, the Tax Commissioner shall perform such appraisals with the resources at his or her disposal.

Sec. 49. That section 77-1372, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1372. There is hereby created the Property Assessment and Taxation Commission. The commission shall consist of eleven members as follows: (1) The chairperson of the Revenue Committee of the Legislature; (2) the Tax Commissioner; (3) three registered, licensed, certified residential, or certified general real estate appraisers; (4) three county assessors; and (5) three property owners. Of the members appointed to the commission pursuant to subdivisions (3), (4), and (5) of this section, no member shall reside in the same congressional district as any other member appointed pursuant to the same subdivision.

The members described in subdivisions (3), (4), and (5) of this section shall be appointed by the Governor with the approval of a majority of the Legislature within thirty days of May 27, 1989, to serve through June 30, 1992. Vacancies created by members described in such subdivisions shall be filled by the Governor for the remainder of the term. Members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 50. That section 77-2019, Revised Statutes Supplement, 1992, be amended to read as follows:

77-2019. In order to fix the value of property subject to the payment of the inheritance tax, the county judge may appoint a clerk magistrate or some other competent person, or the clerk magistrate may appoint a competent person, as appraiser as often as or whenever occasion may require, except that when real estate is to be appraised by a competent person other than a county judge or a clerk magistrate, the county judge or clerk magistrate shall appoint a registered, licensed, certified residential, or certified general real estate appraiser, but if the county judge or clerk magistrate finds that no registered, licensed, certified residential, or

certified general real estate appraiser is a disinterested freeholder of the county, some other competent person may be appointed.

Sec. 51. That original section 2-1502, Reissue Revised Statutes of Nebraska, 1943, sections 49-14, 103.01, 72-224.03, 76-706, 76-1907, 76-2201 to 76-2203, 76-2207, 76-2210, 76-2212, 76-2217.01, 76-2218, 76-2220 to 76-2226, 76-2228, 76-2229.01 to 76-2230, 76-2232 to 76-2242, 76-2246, 76-2247.01, 76-2250, 77-1333, 77-1372, and 77-2019, Revised Statutes Supplement, 1992, and sections 76-2227, 76-2229, and 76-2249, Revised Statutes Supplement, 1993, and also section 76-2211, Reissue Revised Statutes of Nebraska, 1943, and sections 76-2209 and 76-2217.02, Revised Statutes Supplement, 1992, are repealed.