

LEGISLATIVE BILL 162

Approved by the Governor February 20, 2001

Introduced by Hudkins, 21

AN ACT relating to real estate appraisers; to amend sections 76-2204, 76-2207, 76-2215, 76-2216, 76-2217.01, 76-2218, 76-2220, 76-2222, 76-2223, 76-2225 to 76-2229, 76-2233.02, 76-2237 to 76-2246, and 76-2247.01 to 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2203, 76-2221, 76-2229.01, 76-2230, 76-2231.01 to 76-2233.01, and 76-2236, Revised Statutes Supplement, 2000; to change credentialing and regulation provisions and fees; to eliminate obsolete and duplicative provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2229.02, 76-2234, and 76-2235, Reissue Revised Statutes of Nebraska, and section 76-2234.01, Revised Statutes Supplement, 2000.

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

Section 1. Section 76-2201, Revised Statutes Supplement, 2000, is amended to read:

76-2201. Sections 76-2201 to 76-2250 and sections 4, 6, and 11 of this act shall be known and may be cited as the Real Estate Appraiser Act.

Sec. 2. Section 76-2203, Revised Statutes Supplement, 2000, is amended to read:

76-2203. For purposes of the Real Estate Appraiser Act, the definitions found in sections 76-2204 to 76-2219 and sections 4, 6, and 11 of this act shall be used.

Sec. 3. Section 76-2204, Reissue Revised Statutes of Nebraska, is amended to read:

76-2204. Appraisal shall mean an analysis, opinion, or conclusion prepared by a real estate appraiser relating to the ~~nature, quality, value, or utility~~ of specified interests in or aspects of identified real estate or identified real property. An appraisal may be classified by the nature of the assignment into either a valuation assignment or an evaluation assignment.

Sec. 4. Appraisal practice shall mean valuation services including appraisal, appraisal review, or appraisal consulting performed by a real estate appraiser.

Sec. 5. Section 76-2207, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 6. Credential shall mean a registration, license, or certificate.

Sec. 7. Section 76-2215, Reissue Revised Statutes of Nebraska, is amended to read:

76-2215. Real estate appraisal activity shall mean ~~the any act or process, performed for a fee or other valuable consideration, involved in developing or making an appraisal or and preparing an appraisal report, including but not limited to, a consulting service, an advocate consulting service, an evaluation assignment, or a valuation assignment. for a fee or other valuable consideration.~~

Sec. 8. Section 76-2216, Reissue Revised Statutes of Nebraska, is amended to read:

76-2216. Real estate appraiser shall mean a person (1) who engages in real estate appraisal activity, (2) ~~or~~ who advertises or holds himself or herself out to the general public ~~for real estate appraisal activity as a real estate appraiser~~, or (3) who offers, attempts, or agrees to perform or performs real estate appraisal activity with the intention or upon the promise of receiving valuable consideration.

Sec. 9. Section 76-2217.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-2217.01. Registered real estate appraiser shall mean a person who holds a valid registration as a registered real estate appraiser ~~under the Real Estate Appraiser Act~~ as provided in section 76-2229.01.

Sec. 10. Section 76-2218, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 11. Uniform Standards of Professional Appraisal Practice means the standards promulgated by the Appraisal Foundation, as the standards existed on the effective date of this act.

Sec. 12. Section 76-2220, Reissue Revised Statutes of Nebraska, is amended to read:

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 obtaining proper credentialing as required under ~~registering or obtaining a license or residential or general certificate as provided in the~~ Real Estate Appraiser Act.

Sec. 13. Section 76-2221, Revised Statutes Supplement, 2000, is amended to read:

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~~ credentialed prior to engaging in such other appraising;

(2) A person licensed under the Nebraska Real Estate License Act who, in the ordinary course of his or her business, gives a broker's price opinion or comparative market analysis, except that such opinion or analysis shall not be referred to as an appraisal. No compensation, fee, or other consideration shall be charged for such opinion or analysis 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 unless the opinion or analysis is in writing and carries the following disclosure in bold fourteen-point type: This opinion or analysis is not an appraisal. It is intended only for the benefit of the addressee for the purpose of assisting buyers or sellers or prospective buyers or sellers in deciding the listing, offering, or sale price of the real property and not for any other purpose, including, but not limited to, lending purposes. This opinion or analysis is not governed by the Real Estate Appraiser Act, but is subject to enforcement through the Nebraska Real Estate License Act;

(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~~ Any owner of real estate, employee of the owner, or attorney licensed to practice law in the State of Nebraska 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 estate appraiser would not have, except that a real estate appraiser or a person licensed under the Nebraska Real Estate License Act is not exempt under this subdivision; or

(6) Any owner of real estate, employee of the owner, or attorney licensed to practice law in the State of Nebraska representing the owner ~~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, or any other person who renders such an estimate or opinion when that estimate or opinion requires a specialized knowledge that a real estate appraiser would not have, except that

a real estate appraiser or a person licensed under the Nebraska Real Estate License Act is not exempt under this subdivision; or

(7) Any owner of real estate, employee of the owner, or attorney licensed to practice law in the State of Nebraska 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.

Sec. 14. Section 76-2222, Reissue Revised Statutes of Nebraska, is amended to read:

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~~ who also holds a credential as a licensed or certified real estate 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 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. 15. Section 76-2223, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Receive applications for credentialing under the act, ~~real estate appraiser registrations, licenses, and certificates,~~ process such applications, ~~register and regulate the issuance of credentials~~ 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~~ receive credentials under the act;

(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~~ appraiser classifications, 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 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 ~~credentialing registration, licensure, and residential and general certification~~ examinations, including timing, location, and security necessary to maintain the integrity of the 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. The board shall 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, as the act existed on the effective date of this act;

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

(7) ~~Compel~~ Issue subpoenas to compel the attendance of witnesses and the production of books, documents, records, and other papers, administer oaths, and take testimony and require submission of and receive evidence concerning all matters within its jurisdiction. In case of disobedience of a subpoena, the board may make application to the district court of Lancaster County to require the attendance and testimony of witnesses and the production of documentary evidence. If any person fails to obey an order of the court, he or she may be punished by the court as for contempt thereof;

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

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

(10) Enter into consent decrees and issue cease and desist orders upon a determination that a violation of the act has occurred or is about to occur;

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

~~(11)~~ (12) Establish and annually adopt minimum standards for appraisals as required under section 76-2237;

~~(12)~~ (13) 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)~~ (14) Do all other things necessary to carry out the Real Estate Appraiser Act.

Sec. 16. Section 76-2225, Reissue Revised Statutes of Nebraska, is amended to read:

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~~ credential holder 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. 17. Section 76-2226, Reissue Revised Statutes of Nebraska, is amended to read:

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 and to meet the necessary expenditures of the board. The fund shall include a sufficient cash fund balance as determined by the board. 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 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 18. Section 76-2227, Reissue Revised Statutes of Nebraska, is amended to read:

76-2227. (1) Applications for credentials, registration, licensure, or residential or general certification, including authorization to take the appropriate examination, and for renewal of credentials a registration, license, or residential or general certificate 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.

(2) At the time of filing an initial or renewal application for ~~registration, licensure, or residential or general certification~~ credentials, 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) 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.

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

Sec. 19. Section 76-2228, Reissue Revised Statutes of Nebraska, is amended to read:

76-2228. There shall be four classes of credentials issued to 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;

(3) Certified residential real estate appraiser, which classification shall consist of those persons who meet the requirements for residential certification set forth in section 76-2231.01; 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. 20. Section 76-2229, Reissue Revised Statutes of Nebraska, is amended to read:

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~~ a registered real estate appraiser, licensed real estate appraiser, certified residential real estate appraiser, or certified general real estate appraiser 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) The terms registered real estate appraiser, licensed real estate appraiser, certified residential real estate appraiser, and certified general real estate appraiser ~~registered, licensed, certified residential, and certified general real estate appraiser~~ may only be used to refer to a person who is credentialed as such a 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 credential registrant, licensee, or certificate holder. This requirement shall not be construed to prevent a credential holder registered, licensed, certified residential, or certified general real estate appraiser from signing an 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 individual holds the credential and that the corporation, partnership, limited liability company, firm, or group ~~is~~ does not.

Sec. 21. Section 76-2229.01, Revised Statutes Supplement, 2000, is amended to read:

76-2229.01. (1) ~~To register~~ For registration as a real estate 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 board;

(c) Have successfully completed not less than ~~seventy-five~~ ninety class hours 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. Each course of study shall include an examination pertinent to the material presented;

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

(i) Knowledge of the English language, including technical terms commonly used in or related to appraisal and the writing of appraisal reports;

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

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

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

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

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

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

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

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

(e)(i) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (ii) upon request of the board, furnish satisfactory proof of good reputation as required under section 76-2227. furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

(2) The application for registration shall include the applicant's social security number and such other information as the board may require.

Sec. 22. Section 76-2230, Revised Statutes Supplement, 2000, is amended to read:

76-2230. (1) To qualify for a license as a real estate 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 board;

(c) Have successfully completed not less than ninety class hours, which may include the class hours set forth in section 76-2229.01, 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. Each course and shall include an examination pertinent to the material presented;

(d) 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 ~~conform~~ 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 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;

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

(i) Knowledge of the English language, including technical terms commonly used in or related to appraisal and the writing of appraisal reports;

(ii) Knowledge of depreciation theories, cost estimating, methods of capitalization, market data analysis, ~~and~~ appraisal mathematics, and economic

concepts applicable to real estate;

(iii) 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;

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

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

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

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

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

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

(f)(i) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (ii) ~~furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity upon request of the board, furnish satisfactory proof of good reputation as required under section 76-2227.~~

(2) The application for the license shall include the applicant's social security number and such other information as the board may require.

Sec. 23. Section 76-2231.01, Revised Statutes Supplement, 2000, is amended to read:

76-2231.01. (1) To qualify for a residential certificate as a certified residential real estate 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 board;

(c) 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. Each course ~~and~~ shall include an examination pertinent to the material presented;

(d) 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 five hundred 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 five hundred hours, one thousand five hundred 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;

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

(i) Knowledge of the English language, including technical terms commonly used in or related to appraisals, and the writing of appraisal reports; appraisal, appraisal report writing, and economic concepts applicable to real estate;

(ii) 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;

(iii) An understanding of the ~~standards~~ recognized methods and techniques necessary for the development and communication of credible appraisals as provided in the Real Estate Appraiser Act;

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

(v) Knowledge of depreciation theories, cost estimating, methods of capitalization, and appraisal mathematics, and economic concepts applicable to real estate;

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

(vii) An understanding of real estate law; and

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

(f)(i) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (ii) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity upon request of the board, furnish satisfactory proof of good reputation as required under section 76-2227.

(2) The application for a residential certificate shall include the applicant's social security number and such other information as the board may require.

Sec. 24. Section 76-2232, Revised Statutes Supplement, 2000, is amended to read:

76-2232. (1) To qualify for a general certificate as a certified general real estate 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 board;

(c) Have successfully completed not less than one hundred eighty class hours, which may include the class hours set forth in sections 76-2229.01, 76-2230, and 76-2231.01, 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. Each course and shall include an examination pertinent to the material presented;

(d) Have two and one-half 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 conform with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least three thousand hours and shall have occurred over at least a thirty-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 three thousand hours, one thousand five hundred 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;

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

(i) Knowledge of the English language, including technical terms commonly used in or related to appraisals, and the writing of appraisal reports; appraisal, appraisal report writing, and economic concepts applicable to real estate;

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

(iii) An understanding of the standards recognized methods and techniques necessary for the development and communication of credible appraisals as provided in the Real Estate Appraiser Act;

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

(v) Knowledge of depreciation theories, cost estimating, methods of capitalization, and appraisal mathematics, and economic concepts applicable to real estate;

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

(vii) An understanding of real estate law; and

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

(f)(i) Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and (ii) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity upon request of the board, furnish satisfactory proof of good reputation as required under section 76-2227.

(2) The application for a general certificate shall include the

applicant's social security number and such other information as the board may require.

Sec. 25. Section 76-2233, Revised Statutes Supplement, 2000, is amended to read:

76-2233. (1) A nonresident of this state may register or obtain a license as a licensed real estate appraiser or residential or general certificate as a obtain a certificate as a certified residential real estate appraiser or as a certified general 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~~ appropriate classification of credentialing, (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~~ credentialed to appraise real estate and real property under the laws of that state, territory, or district may through reciprocity become credentialed 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~~ credentialing, the applicant shall:

(a) Submit evidence that he or she is currently 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~~ credentialed to appraise real estate and real property and that such credential is in good standing, along with his or her social security number and such other information as the board may require;

(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. 26. Section 76-2233.01, Revised Statutes Supplement, 2000, is amended to read:

76-2233.01. A nonresident may ~~temporarily register or obtain a temporary license as a licensed real estate appraiser or residential or general~~ obtain a temporary certificate as a certified residential real estate appraiser or as a certified general real estate appraiser 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 credentialed as a licensed or certified appraiser of real estate and real property and is currently in good standing in the jurisdiction of residency, along with his or her social security number and such other information as the board may require;

(4) Certify that disciplinary proceedings are not pending against ~~him or her~~ the applicant in the applicant's state of domicile or in any other jurisdiction 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~~ 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. 27. Section 76-2233.02, Reissue Revised Statutes of Nebraska, is amended to read:

76-2233.02. ~~Any registration~~ A credential issued under the Real Estate Appraiser Act other than a temporary registration credential shall remain in effect until December 31 following the date of ~~registration credentialing~~ unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid ~~registration credential,~~ the ~~registrant credential holder~~ 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. 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 credential holder~~ fails to apply and meet the requirements for a renewal of a ~~registration as a real estate appraiser~~ by November 30, such ~~registrant credential holder~~ may obtain a renewal of such ~~registration credential~~ 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 credential~~ if the ~~registrant credential holder~~ has continued to perform real estate appraisal activities or other related activities in this state following the expiration of his or her ~~registration credential~~.

Sec. 28. Section 76-2236, Revised Statutes Supplement, 2000, is amended to read:

76-2236. Every credential holder 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 no less than twenty-eight hours of approved continuing education activities in each two-year continuing education period, except that during the first full year of the two-year continuing education period only, commencing on January 1, 2001, every new or upgraded credential holder shall furnish evidence to the board that he or she has satisfactorily completed one-half of the two-year continuing education requirement. Hours of satisfactorily completed approved continuing education activities cannot be carried over from one two-year continuing education period to another. The board may extend or waive these the continuing education requirements by rule or regulation. Every four years, beginning January 1, 1995, As prescribed by rule or regulation of the board and at least once every four years, 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 credential holder~~. The board shall approve continuing education activities which it determines would protect the public by improving the competency of ~~registrants, licensees, and certificate holders~~ credential holders. Evidence of completion of such continuing education activities for the two-year continuing education period may be submitted to the board as each activity is completed. A person who has been temporarily registered or issued a temporary license or residential or general certificate holds a temporary credential shall not have to meet any continuing education requirements in this state.

Sec. 29. Section 76-2237, Reissue Revised Statutes of Nebraska, is amended to read:

76-2237. Each ~~registered, licensed, certified residential, or certified general real estate appraiser credential holder~~ 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. The board shall review such rules and regulations annually. 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 credential holder~~.

Sec. 30. Section 76-2238, Reissue Revised Statutes of Nebraska, 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) Failing to meet the minimum qualifications for ~~registration, licensure, or residential or general certification~~ credentialing established by or pursuant to the Real Estate Appraiser Act;

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

(4) An act or omission ~~in the practice of real estate appraising involving real estate or appraisal practice~~ which constitutes dishonesty, fraud, or misrepresentation with or without the intent to substantially benefit the ~~registrant, licensee, residential or general certificate holder, credential 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~~ credential holder on grounds of fraud, misrepresentation, or deceit involving real estate or 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~~ subdivision;

(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~~ adopted and promulgated pursuant to the act;

(11) Violation of the confidential nature of any information to which a ~~registrant, licensee, or residential or general certificate~~ credential 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;

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

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

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

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

(20) Presentation to the 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

(21) Failure to pass the examination.

Sec. 31. Section 76-2239, Reissue Revised Statutes of Nebraska, is amended to read:

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 credential~~ holder or applicant for ~~registration, licensure, or residential or general certification credentialing~~ under the act. The board may revoke or suspend the ~~registration, license, or residential or general certificate credential~~ or otherwise discipline a ~~registrant, licensee, or residential or general certificate credential~~ holder or deny any application for any of the acts or omissions set forth in section 76-2238. Violation of the act or the rules and regulations during a period of probation shall cause immediate execution of a suspension penalty. Upon receipt of information indicating that a ~~registrant, licensee, or residential or general certificate credential~~ 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 credential~~ holder may have violated a provision of the act, the board may offer the ~~registrant, licensee, or residential or general certificate credential~~ 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 credential~~ 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 credential~~ holder. The complaint shall require the ~~registrant, licensee, or residential or general certificate credential~~ holder to file an answer within thirty days of the date of service. In responding to a complaint, the ~~registrant, licensee, or residential or general certificate credential~~ 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. 32. Section 76-2240, Reissue Revised Statutes of Nebraska, is amended to read:

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 credential~~ holder is guilty of the violation, it shall take such disciplinary action as it deems appropriate. Disciplinary actions which may be taken shall include, but not be limited to, revocation, suspension, probation, admonishment, letter of reprimand, and formal censure, with or without publication, of the ~~registrant, licensee, or residential or general certificate credential~~ holder and may or may not include an education requirement. Costs incurred for an administrative hearing, including fees of counsel, court reporters, investigators, and witnesses, shall be taxed as costs in such action as the board may direct.

(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. 33. Section 76-2241, Reissue Revised Statutes of Nebraska, is amended to read:

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

- (1) ~~A registration~~ An application fee of one hundred dollars;
- (2) ~~A registration examination fee of~~ An 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;
- (3) An initial ~~registration and renewal credentialing~~ fee, other than temporary credentialing, of no more than ~~one~~ three 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; and

~~(6) A temporary registration application fee of one hundred dollars;~~
~~(7) (5) A temporary registration fee of no more than fifty dollars~~
license fee for a licensed real estate appraiser of no more than one hundred
fifty dollars and a temporary certificate fee for a certified residential real
estate appraiser or a certified general real estate appraiser of no more than
one hundred 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 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) A general certification application fee of one hundred dollars;~~

~~(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;~~

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

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

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

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

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

All fees for registration, licensure, and residential and general certification credentialing 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, as the act existed on the effective date of this act. 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 Real Estate Appraiser Act shall be remitted by the board to the State Treasurer for credit to the Real Estate Appraiser Fund.

Sec. 34. Section 76-2242, Reissue Revised Statutes of Nebraska, is amended to read:

76-2242. (1) The board shall provide to each registrant credential holder proof that such person has been registered credentialed under the Real Estate Appraiser Act for the classification requirements set forth in the act. The board 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 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 a certificate stating that such person has been general certified under the act. The board shall also issue a pocket card in such size and form as it may approve.~~

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

~~(6) (3) Registrations, licenses, residential or general certificates, the proof of credentialing, and pocket cards issued by the board 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 the documents shall immediately return such registration, license, residential or general certificate, or pocket card documents to the board.~~

Sec. 35. Section 76-2243, Reissue Revised Statutes of Nebraska, is amended to read:

76-2243. Nothing contained in the Real Estate Appraiser Act shall be deemed to prohibit any ~~registrant, licensee, or certificate credential~~ holder under the act from engaging in the practice of real estate appraising as a professional corporation in accordance with the Nebraska Professional Corporation Act.

Sec. 36. Section 76-2244, Reissue Revised Statutes of Nebraska, is amended to read:

76-2244. Each ~~registrant, licensee, or certificate credential~~ holder shall designate and maintain a principal place of business and shall conspicuously display his or her proof of ~~registration, license, or certificate credentialing~~ in such place of business. Upon any change of his or her principal place of business, a ~~registrant, licensee, or certificate credential~~ holder shall promptly give notice thereof in writing to the board and the board shall issue a new proof of ~~registration, license, or certificate credentialing~~ for the unexpired term. A nonresident shall not be required to maintain a place of business in this state if he or she maintains an active place of business in his or her place of domicile.

Sec. 37. Section 76-2245, Reissue Revised Statutes of Nebraska, is amended to read:

76-2245. No person engaged in real estate appraisal activities in this state or acting in the capacity of a real estate appraiser in this state may bring or maintain any action in any court of this state to collect compensation for the performance of real estate appraisal activities for which ~~registration, licensure, or certification credentialing~~ is required by the Real Estate Appraiser Act without alleging and proving that he or she was ~~registered as a real estate appraiser or the holder of a valid real estate appraiser license or certificate~~ duly credentialed under the act in this state at all times during the performance of such activities.

Sec. 38. Section 76-2246, Reissue Revised Statutes of Nebraska, is amended to read:

76-2246. Any person required to be ~~registered, licensed, or residential or general certified~~ credentialed by the Real Estate Appraiser Act who engages in real estate appraisal activity or who advertises or holds himself or herself out to the general public as a real estate appraiser in this state without registering or obtaining a license or certificate obtaining proper credentialing under the act shall be guilty of a Class III misdemeanor and shall be ineligible to ~~register or obtain a license or certificate~~ apply for credentialing under the act 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~~ credential such person within such one-year period upon application and after an administrative hearing.

Sec. 39. Section 76-2247.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-2247.01. A person may retain or employ a ~~registered, licensed, certified residential, or certified general~~ real estate appraiser credentialed under the Real Estate Appraiser Act 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. 40. Section 76-2248, Reissue Revised Statutes of Nebraska, is amended to read:

76-2248. At the request of the board, the Attorney General shall render to the board an opinion with respect to all questions of law arising in connection with the administration of the Real Estate Appraiser Act and shall act as attorney for the board in all actions and proceedings brought by or against the board under or pursuant to the act. All fees and expenses of the Attorney General arising out of such duties shall be paid out of the Real Estate Appraiser Fund. The Attorney General may appoint special counsel to prosecute such action, and all fees and expenses of such counsel allowed shall be taxed as costs in the action as the court may direct.

Sec. 41. Section 76-2249, Reissue Revised Statutes of Nebraska, is amended to read:

76-2249. (1) The board may prepare a directory showing the name and place of business of ~~real estate appraisers registered, licensed, or residential or general certified credential holders~~ 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, as the act existed on the effective date of this act.

(2) The board shall provide without charge to any credential holder under the act a set of rules and regulations adopted and promulgated by the board and any other information which the board deems important in the area of real estate appraisal in the State of Nebraska. The information may be printed in a booklet, a pamphlet, or any other form the board determines appropriate. The board may update such material as often as it deems necessary. The board may provide such material to any other person upon request and may charge a fee for the material. The fee shall be reasonable and shall not exceed any reasonable or necessary costs of producing the material for distribution.

Sec. 42. Section 76-2250, Reissue Revised Statutes of Nebraska, is amended to read:

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 credential holder~~ under the Real Estate Appraiser Act who is in good standing in this state.

Sec. 43. Original sections 76-2204, 76-2207, 76-2215, 76-2216, 76-2217.01, 76-2218, 76-2220, 76-2222, 76-2223, 76-2225 to 76-2229, 76-2233.02, 76-2237 to 76-2246, and 76-2247.01 to 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2203, 76-2221, 76-2229.01, 76-2230, 76-2231.01 to 76-2233.01, and 76-2236, Revised Statutes Supplement, 2000, are repealed.

Sec. 44. The following sections are outright repealed: Sections 76-2229.02, 76-2234, and 76-2235, Reissue Revised Statutes of Nebraska, and section 76-2234.01, Revised Statutes Supplement, 2000.