

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL

Introduced by

Read first time

Committee:

- 1 A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend
- 2 section 76-2239, Revised Statutes Cumulative Supplement, 2024; to
- 3 change provisions relating to disciplinary actions against
- 4 credential holders; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 76-2239, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 76-2239 (1)(a) ~~(1)~~ The board may, upon its own motion, and shall,
4 upon the written complaint of any aggrieved person, cause an
5 investigation to be made with respect to an alleged violation of the Real
6 Property Appraiser Act. Upon receipt of information indicating that a
7 person may have violated any provision of the Real Property Appraiser
8 Act, the board shall make an investigation of the facts to determine
9 whether or not there is evidence of a violation. If technical assistance
10 is required, the board may contract with or use qualified persons.

11 (b) The board may revoke or suspend the credential or otherwise
12 discipline a credential holder, revoke or suspend a qualifying or
13 continuing education course or activity, deny any application, ~~or~~ issue a
14 cease and desist order, or, at the board's discretion, enter into a
15 contingent dismissal agreement with remedial measures with a credential
16 holder for any violation of the Real Property Appraiser Act.

17 (c) Any disciplinary action taken against a credentialed real
18 property appraiser, including any action that limits a credentialed real
19 property appraiser's ability to engage in real property appraisal
20 practice, shall be reported to federal authorities as required by Title
21 XI of the Financial Institutions Reform, Recovery, and Enforcement Act of
22 1989. A successfully completed contingent dismissal agreement is not
23 disciplinary action. Upon receipt of information indicating that a person
24 may have violated any provision of the Real Property Appraiser Act, the
25 board shall make an investigation of the facts to determine whether or
26 not there is evidence of a violation. If technical assistance is
27 required, the board may contract with or use qualified persons.

28 (2)(a) If an investigation indicates that a person may have violated
29 a provision of the act, the board may offer the person an opportunity to
30 voluntarily and informally discuss the alleged violation before the
31 board. The board may enter into consent agreements, ~~or~~ negotiate

1 settlements, or enter into contingent dismissal agreements.

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

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

19 **Sec. 2.** Original section 76-2239, Revised Statutes Cumulative
20 Supplement, 2024, is repealed.