

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 684

Introduced by Christensen, 44.

Read first time January 08, 2014

Committee:

A BILL

1 FOR AN ACT relating to appraisal services; to amend sections 76-3201,
2 76-3202, 76-3203, 76-3204, 76-3206, 76-3208, 76-3213,
3 76-3215, 76-3216, 76-3217, and 76-3219, Revised Statutes
4 Cumulative Supplement, 2012; to change provisions
5 relating to the Nebraska Appraisal Management Company
6 Registration Act; to harmonize provisions; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-3201, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 76-3201 Sections 76-3201 to 76-3220 and section 3 of this
4 act shall be known and may be cited as the Nebraska Appraisal
5 Management Company Registration Act.

6 Sec. 2. Section 76-3202, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 76-3202 For purposes of the Nebraska Appraisal Management
9 Company Registration Act:

10 (1) Appraisal has the same meaning as in section 76-2204;

11 (2) Appraisal Foundation has the same meaning as in
12 section 76-2205;

13 (3) Appraisal management company means, ~~in connection~~
14 ~~with valuing real property collateralizing mortgage loans, mortgages,~~
15 ~~or trust deeds incorporated into a securitization,~~ any external third
16 party that oversees a network or panel of more than fifteen certified
17 or licensed appraisers in this state or twenty-five or more certified
18 or licensed appraisers nationally within a given year and that is
19 authorized: ~~, either by a creditor of a consumer credit transaction~~
20 ~~secured by a consumer's principal dwelling or by an underwriter of or~~
21 ~~other principal in the secondary mortgage markets:~~

22 (a) To recruit, select, and retain appraisers;

23 (b) To contract with certified or licensed appraisers to
24 perform real property appraisal ~~activity;~~ services;

25 (c) To manage the process of having an appraisal

1 performed, including providing administrative duties such as
2 receiving appraisal orders and ~~appraisal~~ reports, submitting
3 completed ~~appraisal~~ reports to ~~creditors and underwriters~~, appraisal
4 management company clients, collecting fees from ~~creditors and~~
5 ~~underwriters~~ appraisal management company clients for appraisal
6 services provided, and reimbursing appraisers for appraisal services
7 performed; or

8 (d) To review and verify the work of appraisers;

9 (4) Appraisal management company client means the party
10 or parties who engage, by employment or contract, an appraisal
11 management company in a specific third-party assignment;

12 ~~(4)~~ (5) Appraisal practice has the same meaning as in
13 section 76-2205.01;

14 ~~(5)~~ Appraisal report has the same meaning as in section
15 76-2206;

16 (6) Appraisal review means the act or process of
17 developing and communicating an opinion about the quality of another
18 appraiser's work that was performed as part of a ~~real property~~
19 ~~appraisal activity~~, valuation or evaluation assignment, except that a
20 quality control examination of ~~an appraisal~~ a report shall not be an
21 appraisal review;

22 (7) Appraisal services means ~~residential valuation or~~
23 evaluation assignments performed by an individual acting as ~~an a real~~
24 property appraiser in connection with a third-party assignment,
25 including, but not limited to, appraisal, and appraisal review; ~~or~~

1 ~~consulting services;~~

2 (8) Appraiser means an individual who holds a license or
3 certification as ~~an~~ a real property appraiser and is expected to
4 perform valuation and evaluation assignments competently and in a
5 manner that is independent, impartial, and objective;

6 (9) Appraiser panel means a group of licensed or
7 certified ~~independent~~ real property appraisers that have been
8 selected to perform appraisal services for a third party;

9 (10) Board means the Real Property Appraiser Board;

10 ~~(11) Consulting service has the same meaning as in~~
11 ~~section 76-2211.01;~~

12 ~~(12)~~ (11) Controlling person means:

13 (a) An officer or director of, or owner of greater than a
14 ten percent interest in, a corporation, partnership, or other
15 business entity seeking to act or acting as an appraisal management
16 company in this state;

17 (b) An individual employed, appointed, or authorized by
18 an appraisal management company that has the authority to enter into
19 a contractual relationship with other persons for the performance of
20 services requiring registration as an appraisal management company
21 and that has the authority to enter into agreements with appraisers
22 for the performance of appraisals; or

23 (c) An individual who possesses, directly or indirectly,
24 the power to direct or cause the direction of the management or
25 policies of an appraisal management company;

1 (12) Evaluation assignment has the same meaning as in
2 section 76-2212;

3 (13) Federal financial institution regulatory agency
4 means the Board of Governors of the Federal Reserve System, the
5 Federal Deposit Insurance Corporation, the Office of the Comptroller
6 of the Currency, ~~the Office of Thrift Supervision,~~ the National
7 Credit Union Administration, the Consumer Financial Protection
8 Bureau, or the successor of any of such agencies;

9 (14) Federally related transaction means any real estate-
10 related financial transaction which:

11 (a) A federal financial institution regulatory agency or
12 the Resolution Trust Corporation engages in, contracts for, or
13 regulates; and

14 (b) Requires the services of an appraiser;

15 (15) Owned and controlled means direct or indirect
16 ownership or control of more than twenty-five percent of the voting
17 shares of an appraisal management company;

18 (16) Person means an individual, firm, partnership,
19 limited partnership, limited liability company, association,
20 corporation, or other group engaged in joint business activities,
21 however organized;

22 (17) Quality control examination means an examination of
23 ~~an appraisal a~~ report for compliance and completeness, including
24 grammatical, typographical, or other similar errors;

25 (18) Real estate has the same meaning as in section

1 76-2214;

2 (19) Real estate-related financial transaction means any
3 transaction involving:

4 (a) The sale, lease, purchase, investment in, or exchange
5 of real property, including interests in real property or the
6 financing thereof;

7 (b) The refinancing of real property or interests in real
8 property; or

9 (c) The use of real property or interests in real
10 property as security for a loan or investment, including mortgage-
11 backed securities;

12 (20) Real property has the same meaning as in section
13 76-2217;

14 (21) Real property appraisal activity has the same
15 meaning as in section 76-2215;

16 (22) Real property appraiser has the same meaning as in
17 section 76-2216;

18 ~~(22)~~-(23) Relocation management company means a business
19 entity in which the preponderance of its business services include
20 relocation of employees as an agent or contracted service provider to
21 the employer for the purposes of determining an anticipated sales
22 price for the residence of an employee being relocated by the
23 employer;

24 (24) Report has the same meaning as appraisal report as
25 defined in section 76-2206;

1 (25) Third-party assignment means (a) an agreement
2 between an appraisal management company and an appraisal management
3 company client to provide appraisal services or (b) an appraisal
4 service that is provided as a consequence of such an agreement;

5 ~~(23)~~(26) Uniform Standards of Professional Appraisal
6 Practice has the same meaning as in section 76-2213.01; and

7 ~~(24)~~(27) Valuation assignment has the same meaning as in
8 section 76-2219.

9 Sec. 3. (1) Except as provided in section 76-3204, it
10 shall be unlawful for any person to act as an appraisal management
11 company in this state without first obtaining proper registration as
12 required under the Nebraska Appraisal Management Company Registration
13 Act.

14 (2) Except as provided in section 76-3204, any person
15 who, directly or indirectly for another, with the intention or upon
16 the promise of receiving any form of compensation or consideration,
17 offers, attempts, or agrees to perform any act described in
18 subdivision (3) of section 76-3202 shall be deemed an appraisal
19 management company, within the meaning of the act, and such action
20 shall constitute sufficient contact with the state for the exercise
21 of personal jurisdiction over such person in any action arising out
22 of such action. Committing a single act described in such subdivision
23 by a person required to be registered under the act and not so
24 registered shall constitute a violation of the act for which the
25 board may impose sanctions pursuant to this section for the

1 protection of the public health, safety, or welfare.

2 (3) Notwithstanding any other law to the contrary, the
3 board may issue a cease and desist order against any person who
4 violates this section by performing any action described in
5 subdivision (3) of section 76-3202 without the appropriate
6 registration. Such order shall be final ten days after issuance
7 unless the violator requests a hearing pursuant to section 76-3217.

8 Sec. 4. Section 76-3203, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 76-3203 ~~(1) It is unlawful for a person to directly or~~
11 ~~indirectly engage in or attempt to engage in business as an appraisal~~
12 ~~management company or to advertise or hold itself out as engaging in~~
13 ~~or conducting business as an appraisal management company in this~~
14 ~~state without first obtaining a registration issued by the board.~~

15 ~~(2)-(1) An application for the registration required by~~
16 ~~subsection (1) of this section shall include the following~~
17 ~~information:~~

18 (a) The name of the person seeking registration and any
19 other name or names, if any, under which it will do business in this
20 state;

21 (b) The business address of the person seeking
22 registration;

23 (c) The telephone contact information of the person
24 seeking registration;

25 (d) If the person seeking registration is not a

1 corporation that is domiciled in this state, the name and contact
2 information for the person's agent for service of process in this
3 state;

4 (e) The name, address, and contact information for any
5 person that owns ten percent or more of the person seeking
6 registration;

7 (f) The name, address, and contact information for one
8 controlling person designated as the main contact for all
9 communication between the person seeking registration and the board;

10 (g) A certification that the person seeking registration
11 has a system and process in place to verify that an appraiser
12 selected to the appraiser panel of the person seeking registration
13 holds a license or certification in good standing in this state
14 pursuant to the Real Property Appraiser Act;

15 (h) A certification that the person seeking registration
16 requires appraisers completing appraisal services at the person's
17 request to comply with the Uniform Standards of Professional
18 Appraisal Practice, including the requirements for geographic and
19 product competence;

20 (i) A certification that the person seeking registration
21 has a system in place to verify that only licensed or certified
22 appraisers are used for federally related transactions;

23 (j) A certification that the person seeking registration
24 has a system in place to require that appraisals are conducted
25 independently and free from inappropriate influence and coercion as

1 required by the appraisal independence standards established under
2 section 129E of the federal Truth in Lending Act, as amended,
3 including the requirements for payment of a reasonable and customary
4 fee to appraisers when the appraisal management company is providing
5 appraisal services for a consumer credit transaction secured by the
6 principal dwelling of a consumer;

7 (k) A certification that the person seeking registration
8 maintains a detailed record of each request for appraisal services
9 that it receives and the appraiser that performs the ~~residential real~~
10 ~~estate appraisal~~ services for the appraisal management company;

11 (l) If the person seeking registration is a nonresident,
12 an irrevocable consent for service of process, if required pursuant
13 to section 76-3205; and

14 (m) Any other information required by the board which is
15 reasonably necessary to implement, administer, and enforce the
16 Nebraska Appraisal Management Company Registration Act.

17 ~~(3)~~ (2) An applicant for registration as an appraisal
18 management company in this state shall submit to the board an
19 application on a form or forms prescribed by the board. The
20 application shall be valid for one year from the date received at the
21 board's office.

22 ~~(4)~~ (3) An applicant for registration as an appraisal
23 management company in this state shall furnish to the board, at the
24 time of making application, a surety bond in the amount of twenty-
25 five thousand dollars. The surety bond required under this subsection

1 shall be issued by a bonding company or insurance company authorized
2 to do business in this state, and a copy of the bond shall be filed
3 with the board. The bond shall be in favor of the state for the
4 benefit of any person who is damaged by any violation of the Nebraska
5 Appraisal Management Company Registration Act. The bond shall also be
6 in favor of any person damaged by such a violation. Any person
7 claiming against the bond for a violation of the act may maintain an
8 action at law against the appraisal management company and against
9 the surety. The aggregate liability of the surety to all persons
10 damaged by a violation of the act by an appraisal management company
11 shall not exceed the amount of the bond. The bond shall be maintained
12 until one year after the date that the appraisal management company
13 ceases operation in this state.

14 ~~(5)~~(4) A registration issued pursuant to the Nebraska
15 Appraisal Management Company Registration Act shall be valid for two
16 years after the date on which it is issued. An application for the
17 renewal of a registration shall include substantially similar
18 information required for the initial registration as provided in
19 subsection ~~(2)~~(1) of this section.

20 Sec. 5. Section 76-3204, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 76-3204 The Nebraska Appraisal Management Company
23 Registration Act does not apply to:

24 (1) A person that exclusively employs persons for the
25 performance of appraisal services. The employer is responsible for

1 ensuring that the appraisal services are performed by employees in
2 accordance with the Uniform Standards of Professional Appraisal
3 Practice;

4 (2) An appraisal management company that is owned and
5 controlled by a financial institution regulated by a federal
6 financial institution regulatory agency;

7 (3) An appraiser that enters into an agreement, written
8 or oral, with an appraiser for the performance of appraisal services
9 if upon the completion of the appraisal services the ~~appraisal~~ report
10 is signed by both the appraiser who completed the appraisal services
11 and the appraiser who requested the appraisal services; or

12 (4) A relocation management company.

13 Sec. 6. Section 76-3206, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 76-3206 The board shall charge and collect fees for its
16 services under the Nebraska Appraisal Management Company Registration
17 Act as follows:

18 (1) An application fee of no more than three hundred
19 fifty dollars;

20 (2) ~~an~~ An initial registration fee of no more than two
21 thousand dollars;

22 (3) ~~a~~ A renewal registration fee of no more than one
23 thousand five hundred dollars; ~~and~~

24 (4) ~~a~~ A late renewal fee of twenty-five dollars for each
25 month or portion of a month the fee is late; and -

1 (5) In addition to the fees set forth in this section,
2 the board may establish and collect such fees as it deems appropriate
3 for special examinations and other services provided by the board.
4 All fees and other revenue collected pursuant to the Nebraska
5 Appraisal Management Company Registration Act shall be remitted by
6 the board to the State Treasurer for credit to the Appraisal
7 Management Company Fund.

8 Sec. 7. Section 76-3208, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 76-3208 An appraisal management company or any person
11 that applies to the board for a registration to do business in this
12 state as an appraisal management company shall not:

13 (1) Knowingly employ any individual to perform appraisal
14 services who has had a ~~license or certificate~~ credential to act as an
15 appraiser in this state or in any other state refused, denied,
16 canceled, surrendered in lieu of revocation, or revoked within a ten-
17 year period immediately preceding application for employment;

18 (2) Knowingly enter into any independent contractor
19 arrangement to perform appraisal services, whether in verbal,
20 written, or other form, with any individual who has had a ~~license or~~
21 ~~certificate~~ credential to act as an appraiser in this state or in any
22 other state refused, denied, canceled, surrendered in lieu of
23 revocation, or revoked within a ten-year period immediately preceding
24 arrangement for contract; or

25 (3) Knowingly prohibit an appraiser from including within

1 the body of an ~~appraisal~~ a report that is submitted by the appraiser
2 to the appraisal management company or its assignee the fee that the
3 appraiser was paid by the appraisal management company for the
4 performance of the ~~appraisal report~~; or -

5 (4) Require a real property appraiser to indemnify an
6 appraisal management company or hold an appraisal management company
7 harmless for any liability, damage, loss, or claim arising out of the
8 services provided by the appraisal management company.

9 Sec. 8. Section 76-3213, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 76-3213 An appraisal management company may not alter,
12 modify, or otherwise change a completed ~~appraisal~~ report submitted by
13 an appraiser without the appraiser's written consent.

14 Sec. 9. Section 76-3215, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 76-3215 (1) Each appraisal management company registered
17 in this state, except in cases of noncompliance with the conditions
18 of the engagement, shall make payment of fees to an appraiser for the
19 completion of an appraisal or valuation assignment within sixty days
20 after the date on which the appraiser transmits or otherwise provides
21 the completed ~~appraisal~~ report or valuation assignment to the
22 appraisal management company or its assignee.

23 (2) Except within the first ninety days after an
24 appraiser is first added to the appraiser panel of an appraisal
25 management company, an appraisal management company may not remove

1 the appraiser from the appraiser panel of the appraisal management
2 company or otherwise refuse to assign requests for appraisal services
3 to an appraiser on the appraiser panel without:

4 (a) Notifying the appraiser in writing of the reasons why
5 the appraiser is being removed from the appraiser panel of the
6 appraisal management company; and

7 (b) Providing an opportunity for the appraiser to respond
8 to the notification from the appraisal management company.

9 (3) An appraiser who is removed from the appraiser panel
10 of an appraisal management company may file a complaint with the
11 board for a review of the decision of the appraisal management
12 company. The scope of the board's review in any such case is limited
13 to determining that the appraisal management company has complied
14 with subsection (2) of this section and whether a violation of the
15 Real Property Appraiser Act has occurred.

16 (4) If an appraiser files a complaint against an
17 appraisal management company pursuant to subsection (3) of this
18 section, the board shall adjudicate the complaint within one hundred
19 eighty days after the filing of the complaint.

20 (5) If, after opportunity for hearing and review, the
21 board determines that an appraisal management company acted
22 improperly in removing the appraiser from the appraiser panel, the
23 board shall:

24 (a) Provide written findings to the involved parties;

25 (b) Provide an opportunity for the appraisal management

1 company and the appraiser to respond to the findings; and

2 (c) Make recommendations for action.

3 Sec. 10. Section 76-3216, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 76-3216 (1) The board may, upon its own motion, and
6 shall, upon the written complaint of any aggrieved person, cause an
7 investigation to be made with respect to any alleged violation of the
8 Nebraska Appraisal Management Company Registration Act. Upon receipt
9 of information indicating that a person may have violated the act,
10 the board shall make an investigation of the facts to determine
11 whether or not there is evidence of a violation. If technical
12 assistance is required, the board may contract with or use qualified
13 individuals or companies.

14 (2) If an investigation indicates that a person may have
15 violated a provision of the act, the board may offer the person an
16 opportunity to voluntarily and informally discuss the alleged
17 violation before the board. If an investigation indicates that a
18 nonregistered person has violated the act, the board may issue a
19 cease and desist order. The board may enter into consent agreements
20 or negotiate settlements with appraisal management companies and
21 applicants. If an investigation indicates that an appraisal
22 management company has violated the act, a formal complaint shall be
23 prepared by the board and served upon the appraisal management
24 company. The complaint shall require the appraisal management company
25 to file an answer within thirty days after the date of service. In

1 responding to a complaint, the appraisal management company may admit
2 the allegations of the complaint, deny the allegations of the
3 complaint, or plead otherwise. Failure to make a timely response
4 shall be deemed an admission of the allegations of the complaint.
5 Upon receipt of an answer to the complaint, the director or
6 chairperson of the board shall set a date, time, and place for an
7 administrative hearing on the complaint. The date of the hearing
8 shall not be less than thirty nor more than one hundred twenty days
9 from the date that the answer is filed unless such date is extended
10 for good cause. Notice of the date, time, and place of the
11 administrative hearing shall be satisfied by personal service on the
12 controlling person of the company or agent for service of process in
13 this state or by sending the notice by certified mail, return receipt
14 requested, to the address of the controlling person of the company
15 that is on file with the board.

16 ~~(1)-(3)~~ To the extent permitted by any applicable federal
17 legislation or regulation, the board may censure an appraisal
18 management company, conditionally or unconditionally suspend or
19 revoke the registration issued to the appraisal management company
20 under the Nebraska Appraisal Management Company Registration Act,
21 deny any application, issue a cease and desist order, or levy fines
22 or impose civil penalties not to exceed five thousand dollars for a
23 first offense and not to exceed ten thousand dollars for a second or
24 subsequent offense, if the board determines that an appraisal
25 management company is attempting to perform, has performed, or has

1 attempted to perform any of the following:

2 (a) A material violation of the act;

3 (b) A violation of any rule or regulation adopted and
4 promulgated by the board; ~~or~~

5 (c) Procurement of a registration for itself or any other
6 person by fraud, misrepresentation, or deceit; ~~or~~

7 (d) Failure to demonstrate character and general fitness
8 such as to command the confidence and trust of the public by an
9 individual owning ten percent or more of an appraisal management
10 company or an individual acting as a controlling person for an
11 appraisal management company;

12 (e) Entry of a final civil or criminal judgment against
13 an appraisal management company, including dismissal with settlement,
14 on grounds of fraud, dishonesty, breach of trust, money laundering,
15 misrepresentation, or deceit involving real estate, financial
16 services, or in the making of an appraisal;

17 (f) Conviction, including a conviction based upon a plea
18 of guilty or nolo contendere, of a crime which is related to the
19 qualifications, functions, or duties of an appraisal management
20 company, by an individual owning ten percent or more of an appraisal
21 management company or an individual acting as a controlling person
22 for an appraisal management company;

23 (g) Knowingly making false or misleading statements, both
24 written and verbal, to a real property appraiser concerning a third-
25 party assignment or fee;

1 (h) Suspension or revocation of a registration in any
2 other jurisdiction;

3 (i) Failure to renew, or surrender of a registration in
4 any other jurisdiction in lieu of disciplinary action pending or
5 threatened;

6 (j) Failure to report disciplinary action taken against a
7 registration in any other jurisdiction within sixty days after such
8 action;

9 (k) Failure to comply with terms of a consent agreement
10 or settlement agreement;

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

14 (m) Engaging in business as an appraisal management
15 company under a legal or trade name not on file with the board.

16 ~~(2)~~(4) In order to promote voluntary compliance,
17 encourage appraisal management companies to correct errors promptly,
18 and ensure a fair and consistent approach to enforcement, the board
19 shall endeavor to impose fines or civil penalties that are reasonable
20 in light of the nature, extent, and severity of the violation. The
21 board shall also take action against an appraisal management
22 company's registration only after less severe sanctions have proven
23 insufficient to ensure behavior consistent with the Nebraska
24 Appraisal Management Company Registration Act. When deciding whether
25 to impose a sanction permitted by subsection ~~(1)~~(3) of this section,

1 determining the sanction that is most appropriate in a specific
2 instance, or making any other discretionary decision regarding the
3 enforcement of the act, the board shall consider whether an appraisal
4 management company:

5 (a) Has an effective program reasonably designed to
6 ensure compliance with the act;

7 (b) Has taken prompt and appropriate steps to correct and
8 prevent the recurrence of any detected violations; and

9 (c) Has independently reported to the board any
10 significant violations or potential violations of the act prior to an
11 imminent threat of disclosure or investigation and within a
12 reasonably prompt time after becoming aware of the occurrence of such
13 violations.

14 Sec. 11. Section 76-3217, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 76-3217 (1) The administrative hearing on the allegations
17 in the complaint filed pursuant to section 76-3216 shall be heard by
18 a hearing officer at the time and place prescribed by the board and
19 in accordance with the Administrative Procedure Act. If, at the
20 conclusion of the hearing, the hearing officer determines that the
21 appraisal management company is guilty of the violation, the board
22 shall take such disciplinary action as the board deems appropriate.
23 Disciplinary actions which may be taken shall include, but not be
24 limited to, revocation, suspension, probation, admonishment, letter
25 of reprimand, and formal censure, with publication, of the appraisal

1 management company. Costs incurred for an administrative hearing,
2 including, but not limited to, fees of counsel, the hearing officer,
3 court reporters, investigators, and witnesses, shall be taxed as
4 costs in such action as the board may direct.

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

9 ~~(1) The board shall conduct disciplinary hearings for any~~
10 ~~violation of the Nebraska Appraisal Management Company Registration~~
11 ~~Act in accordance with the Administrative Procedure Act.~~

12 ~~(2) Before the board may censure, suspend, or revoke the~~
13 ~~registration of, or levy a fine or civil penalty against, a~~
14 ~~registered appraisal management company, the board shall notify the~~
15 ~~company in writing of any charges made under the Nebraska Appraisal~~
16 ~~Management Company Registration Act at least twenty days prior to the~~
17 ~~date set for the hearing and shall permit the appraisal management~~
18 ~~company an opportunity to be heard in person or by counsel. The~~
19 ~~notice shall be satisfied by personal service on the controlling~~
20 ~~person of the company or agent for service of process in this state~~
21 ~~or by sending the notice by certified mail, return receipt requested,~~
22 ~~to the address of the controlling person of the company that is on~~
23 ~~file with the board.~~

24 ~~(3) Any hearing pursuant to this section shall be heard~~
25 ~~by a hearing officer at a time and place prescribed by the board. The~~

1 ~~hearing officer may make findings of fact and shall deliver such~~
2 ~~findings to the board. The board shall take such disciplinary action~~
3 ~~as it deems appropriate, subject to the limitations contained within~~
4 ~~section 76-3216.~~

5 Sec. 12. Section 76-3219, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 76-3219 The board shall collect all fees and other
8 revenue pursuant to the Nebraska Appraisal Management Company
9 Registration Act and shall remit such fees and revenue to the State
10 Treasurer for credit to the Appraisal Management Company Fund, which
11 is hereby created. The fund shall be used to implement, administer,
12 and enforce the act and to meet the necessary expenditures of the
13 board. The fund shall include a sufficient cash fund balance as
14 determined by the board. The expense of administering and enforcing
15 the act shall not exceed the money collected by the board under the
16 act. Transfers may be made from the fund to the General Fund at the
17 direction of the Legislature. Any transfer to the General Fund shall
18 not exceed an amount that decreases the fund to an amount equal to or
19 below the sufficient cash fund balance as determined by the board.
20 Any money in the fund available for investment shall be invested by
21 the state investment officer pursuant to the Nebraska Capital
22 Expansion Act and the Nebraska State Funds Investment Act.

23 Sec. 13. Original sections 76-3201, 76-3202, 76-3203,
24 76-3204, 76-3206, 76-3208, 76-3213, 76-3215, 76-3216, 76-3217, and
25 76-3219, Revised Statutes Cumulative Supplement, 2012, are repealed.