

NOTICE OF MEETING
AND RULE MAKING HEARINGS
NEBRASKA REAL ESTATE COMMISSION

A meeting of the Nebraska Real Estate Commission will be held on May 19-20, 2016, in the Staybridge Room of the Staybridge Suites, located at 2701 Fletcher Avenue in Lincoln, Nebraska. The meeting will be convened at 9:00 a.m. on May 19, and will continue on that date until recessed or adjourned, whichever shall occur first. If recessed, the meeting shall reconvene at the same location at 9:00 a.m. on May 20.

At 9:40 a.m., May 19, 2016, the Commission will conduct a public hearing on the adoption of proposed amendments to Nebraska Administrative Code, Title 302, Chapter 1, relating to changes to the seller property condition disclosure statement used to disclose the condition of the property in residential real estate sales. The change would add questions concerning the presence of carbon monoxide alarms and noxious weeds. The regulatory change will have no fiscal impact to the Nebraska Real Estate Commission, the public, or regulated persons.

At 10:00 a.m., May 19, 2016, the Commission will conduct a public hearing on the adoption of proposed amendments to Nebraska Administrative Code, Title 299, Chapter 7, relating to continuing education for real estate licensees, and establishing a new requirement for real estate licensee engaged in property management activities to take a three-hour course in property management every two years. The regulatory change will have no fiscal impact to the Nebraska Real Estate Commission, the public, or regulated persons.

At 10:20 a.m., May 19, 2016, the Commission will conduct a public hearing on the adoption of proposed amendments to Nebraska Administrative Code, Title 299, Chapter 1, relating to pre-license education requirements and approval for real estate licensees. The change would allow the Commission to approve pre-license education courses offered in correspondence format. Such courses were previously certified by the Association of Real Estate License Law Officials. The regulatory change will have no fiscal impact to the Nebraska Real Estate Commission, the public, or regulated persons.

All interested persons are invited to attend and testify at rule hearings. Written comments may also be submitted, and will be made part of the hearing record at the time of the hearing if the

comments are received on or before May 18, 2016. Testimony and/or comments will be limited to the proposed amendments discussed at their respective hearings. Copies of any or all of the proposed amendments may be obtained by contacting the Nebraska Real Estate Commission at 301 Centennial Mall South, First Floor, P.O. Box 94667, Lincoln, Nebraska, 68509, or the Office of the Secretary of State, State Capitol Building, Room 1305, Lincoln, Nebraska, 68509-4608. The proposed amendments are also available on the Commission's website at www.nrec.ne.gov.

At times, the Commission may go into closed session during the meeting, as provided for in Neb. Rev. Stat. 84-1410.

An agenda, kept continually, shall be available for inspection at the Nebraska Real Estate Commission office. Individuals requiring physical or sensory accommodations, including interpreter services, Braille, large print, or recorded matter, please contact Greg Lemon at 301 Centennial Mall South, P.O. Box 94667, Lincoln, Nebraska, 68509, 402-471-2004 no later than 15 days prior to the meeting. (TDD users may utilize the Nebraska Relay System at 800-833-7352.)



Greg Lemon - Director
Nebraska Real Estate Commission

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**THE DAILY RECORD
OF OMAHA**

**LYNDA K. HENNINGSEN, Publisher
PROOF OF PUBLICATION**

UNITED STATES OF AMERICA,
The State of Nebraska,
District of Nebraska,
County of Douglas,
City of Omaha, } ss.

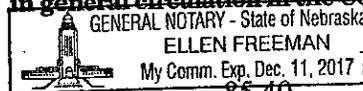
J. BOYD

being duly sworn, deposes and says that she is

LEGAL EDITOR

of **THE DAILY RECORD**, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in **THE DAILY RECORD**, of Omaha, on
April 15, 2016

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.



Subscribed in my presence and sworn to before
me this 15th day of

Publisher's Fee \$ 85.40
Additional Copies \$
Total \$ 85.40

April 16
20

Notary Public in and for Douglas County,
State of Nebraska

AFFIDAVIT OF PUBLICATION

State of Nebraska }
LANCASTER COUNTY, } ss.

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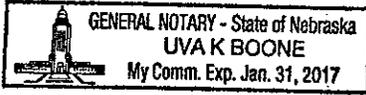
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Greg Lemon - Director
Nebraska Real Estate Commission
#601639 11 Apr 15

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of the Lincoln Journal Star, legal newspaper printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspaper One successive time(s) the first insertion having been on April 15, 2016 and thereafter on _____, 20____, and that said newspaper is the legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Ava Mintz
Subscribed in my presence and sworn to before me on April 15, 2016
A Boone Notary Public



Cost \$63.88 Reference # 601639

FISCAL IMPACT STATEMENT

Agency: NAME – AGENCY #41 Nebraska Real Estate Commission	
Title: 299	Prepared by: Greg Lemon
Chapter: 7	Date prepared: 3/31/2016
Subject: Continuing Education, Property Man.	Telephone: 402 471-2004

Type of Fiscal Impact:

	State Agency	Political-Sub.	Regulated Public
No Fiscal Impact	X	X	X
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: This amendment adds a requirement that licensees engaged in property management take a 3 hour class in that subject during their 2 year continuing education cycle.
No Fiscal Impact

Political Subdivision: No Fiscal Impact

Regulated Public: No Fiscal Impact—No additional continuing education required, the change just mandates subject matter

If indeterminable, explain why: Not Applicable

Title 299 - NEBRASKA REAL ESTATE COMMISSION

Chapter 7 - CONTINUING EDUCATION ACTIVITIES; REQUIRED HOURS; APPROVAL; RESTRICTIONS; DENIAL; REVOCATION; APPEAL PROCESS; RECORD KEEPING.

001 Of the twelve hours of continuing education required in Section 81-885.51 of the Nebraska Real Estate License Act, six hours in each two-year period shall be taken in continuing education activities which are derived from material covering ethical decision-making or federal or state laws, rules, or regulations dealing with or pertaining to real estate or real estate transactions, and which are approved and designated by the Commission as meeting this six-hour requirement, and three hours shall be required in each two year period in a property management course or courses approved and designated by the Commission as meeting this requirement for all licensees who provide property management services during such two year period, or who supervise a licensee or licensees who provide property management services during such two year period.

001.01 Continuing education activities approved under this Section are not subject to the duplication provision as set forth in Section 003.07 of this Chapter, except that continuing education activities approved under this Section and which are of the same content, or if in the opinion of the Commission so similar as to be indistinguishable in content, cannot be duplicated within the same two-year continuing education period.

001.02 For purposes of this chapter property management shall mean and include: Acting under a written contract as a third party for a landlord or owner of property in the collection and or holding of rent, deposits, or other monies from tenants for the benefit of the property owner.

002 The six hours of training required in Section 81-885.51 of the Nebraska Real Estate License Act may be fulfilled by satisfactorily completing training activities approved by the licensee's designated broker and recognized by the Commission **OR** by satisfactorily completing Commission approved continuing education activities **OR** by some combination of both. Training activity shall be required to be met and submitted as provided in the License Act and these regulations beginning in calendar year 2012.

003 Qualifications for approval of continuing education activities shall be as stated herein.

003.01 A continuing education activity offered in the State of Nebraska shall be qualified for approval if the Real Estate Commission determines that:

003.01A The continuing education activity contributes to the maintenance and improvement of the quality of real estate services provided by real estate licensees to the public; and

003.01B An in-class continuing education activity must consist of at least three in-class clock hours but no more than eight in-class clock hours in any one day of instruction. In the case of a continuing education activity delivered in a distance education format there must be at least the content equivalent of three in-class clock hours, and certification pursuant to 299 NAC 7-002.02. An in-class clock hour is defined as 50 minutes in length; and

003.01C The provider has submitted a complete application as prescribed by the Real Estate Commission at least thirty days prior to the beginning of the continuing

education activity; and

003.01D All instructors have met the qualification standards as established by the Real Estate Commission; and

003.01E The provider has met the provisions of all other applicable state laws.

003.02 Continuing education activities offered in a distance education format must be certified by the Association of Real Estate License Law Officials, with the exception that such certification will not be required of courses in a correspondence study format that held the certification by the Association of Real Estate License Law Officials and were in good standing as of January 1, 2012, and such courses shall remain exempt from Association of License Law Officials certification through January 1, 2017. A student must complete the distance education activity within one year of the date of enrollment. Distance education as it is used in this chapter shall mean courses in which instruction does not take place in a traditional classroom setting but rather through other media where instructor and student are separated by distance and sometimes by time.

003.03 Courses taken by salesperson licensees toward meeting the broker pre-license requirements, with the exception of Real Estate Principles and Practices or its equivalent courses, may be used toward meeting the continuing education requirement and also as meeting the pre-license broker requirement.

003.04 In addition to continuing education activities directly approved by the Real Estate Commission, the Commission shall accept:

003.04A Continuing education activities approved to meet the continuing education requirements for renewal of a salesperson or broker license in another real estate jurisdiction and taken outside the State of Nebraska.

003.04B Instruction by instructors of approved continuing education activities toward meeting the continuing education requirement. The same restrictions of usage as set forth in Title 299, Chapter 7, Section 003 will apply.

003.04C Reviews of continuing education activities that are provided in a distance education format and have been submitted for approval as provided in this Chapter when the appointed reviewer, who must meet the same qualification standards established for continuing education instructors, successfully completes the activity and provides a report prescribed by the Commission.

003.04D The Commission shall have no obligation to accept a continuing education activity otherwise considered acceptable under this subsection if the activity has been identified by the Commission as unacceptable according to Nebraska continuing education criteria.

003.04E Written affirmation from non-resident licensees that they have met the current continuing education requirement in their state of residence.

003.05 Licensees may use appraisal continuing education approved by the Nebraska Real Estate Appraiser Board toward their salesperson or broker continuing education

requirement, when taken during the applicable two-year period for their salesperson or broker license.

004 The following activities shall not be approved as continuing education and cannot be used toward meeting the continuing education requirement:

004.01 Those which are specifically examination preparation in nature.

004.02 Those which deal with office or business skills, such as typing, speed reading, memory improvement, body language, motivation and similar activities.

004.03 Those which are completed by a challenge examination (testing-out of the activity).

004.04 Sales promotion or sales meetings held in conjunction with a brokerage firm's general business.

004.05 Orientation courses for licensees held by trade organizations.

004.06 Continuing education activities taken prior to approval date of the continuing education activity.

004.07 Continuing education activities of the same content, or if in the opinion of the Commission an activity is so similar as to be indistinguishable in content, cannot be used for a minimum of four years after the activity was taken to be applied toward meeting the continuing education requirement, except that activities meeting the required hours set forth in Section 001 of this Chapter may be repeated but not in the same two-year continuing education period.

004.08 Broker licensees cannot retake courses taken as part of their pre-license requirement and use them toward meeting their continuing education requirement except as provided in Title 299, Chapter 7, Section 003.07.

004.09 Continuing education activities taken to make up a deficiency of the continuing education requirement from a previous continuing education period may not be used toward the current period's continuing education requirement.

005 Qualifications for recognition of training activities shall be as stated herein.

005.01 A training activity offered in the State of Nebraska shall be recognized by the Real Estate Commission pursuant to Section 81-885.51 if the Real Estate Commission determines that:

005.01A The training activity directly relates to real estate services provided by real estate licensees to the public; and

005.01B The training does not materially misstate elements of the Real Estate License Act or other provisions of the law; and

005.01C A training activity must consist of at least one sixty minute hour. In the case of a training activity delivered in a distance education format there must be at least the content equivalent of one sixty-minute hour; and

005.01D The provider has submitted a complete application as prescribed by the

Real Estate Commission at least thirty days prior to the beginning of the training activity.

005.02 The Commission shall have the authority to require additional information regarding training content in order to determine eligibility.

005.03 The Commission may determine that an activity submitted to meet the training requirement would more appropriately be recognized as continuing education because the level of complexity or legal nature of the training requires a more detailed review of the subject matter as provided in these regulations for continuing education.

006 The following activities cannot be used toward meeting the training requirement:

006.01 Those which are specifically examination preparation in nature.

006.02 Those which are completed by a challenge examination (testing-out of the activity).

006.03 Orientation courses for licensees held by trade organizations.

006.04 Training activities taken prior to the Commission's recognition date of the training activity.

007 The Commission shall notify applicants in a timely manner, in writing, whether an application is approved or denied. If an application is denied, the denial notice shall state the reason(s) for denial. This section applies to initial submittals of applications for approval of training activities, and providers, activities, and instructors of Nebraska real estate continuing education; resubmittals of continuing education activities for reapproval every three years; and resubmittals of activities due to substantial changes in the activities.

008 Approved continuing education activities shall be resubmitted by the provider for approval and reviewed every three years by the Commission unless substantial changes are made in the activity prior to that time.

009 Training activity recognition will expire three years from the date of original recognition.

010 If substantial changes are made, the activity shall be submitted by the provider for review and approval, and may not be offered prior to receiving notice that the altered activity has been approved.

011 Decisions of the Real Estate Commission to deny approval of training activities or continuing education providers, activities, or instructors may be reviewed by the Commission when such review is requested within twenty days of notification of said decision. The Real Estate Commission may at any time re-evaluate an approved training activity or continuing education provider, activity, or instructor. If a basis for consideration of revocation of approval is found, the Commission shall notify said provider by mail at least twenty business days prior to said hearing on the revocation.

012 Providers of approved training or continuing education activities shall be governed by the provisions of this Section in addition to any other applicable statutes or rules and regulations.

012.01 The provider shall submit to the Commission a notice of the scheduling of an approved activity prior to offering the activity. The notice shall be submitted in a form

prescribed by the Commission. This subsection shall not apply to distance education activities offered in an independent study format.

012.02 Successful completion of an approved training or continuing education activity requires full-time attendance at the activity.

012.03 A completion certificate, not larger than 8 ½ by 11, must be issued to each student upon completion of the activity and shall include such information required by the Commission.

012.04 In the case of students using a pre-license broker course toward both pre-license and continuing education as set forth in Title 299, Chapter 7, Section 002.03, upon request by the student a separate continuing education completion certificate will be issued by the provider upon completion of the course in addition to the pre-license proof of completion.

012.05 Records shall be maintained by each provider on each individual student for four years. Said records to include: name and real estate license identification number of the student; residence or business address of the student; the title of the activity completed in full; the number of training or continuing education hours granted the activity; the date the student completed the activity; and, activity content numbers for continuing education activities.

012.06 A verification listing of the attendees at an approved training or continuing education activity who have met the requirements of completion as established by the Commission pursuant to Section 81-885.52 of the Nebraska Real Estate License Act shall be submitted to the Commission, in the current format specified by the Commission, within ten business days of the conclusion of the activity.

012.07 By January 31st of each year all approved providers shall submit to the Commission a chronological list to include the title, number of hours granted, date, location, instructor and number of attendees for each training or continuing education activity conducted during the preceding year.

013 Nothing in this Chapter shall be construed to preclude training or educational offerings sponsored, or conducted, by the Real Estate Commission from being accepted toward meeting the continuing education requirement of the Nebraska Real Estate License Act.

Laws 1985, LB 101, §10; RS 1943, §81-885.54, R.S. Supp., 1985. Effective date March 7, 1985.