

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](http://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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Greg Lemon - Director  
Nebraska Real Estate Commission

4-15-16

**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.

 GENERAL NOTARY - State of Nebraska  
ELLEN FREEMAN  
My Comm. Exp. Dec. 11, 2017

Subscribed in my presence and sworn to before  
15th

Publisher's Fee \$ 85.40 me this day of  
Additional Copies \$ April 20 16  
Total \$ 85.40

Notary Public in and for Douglas County,  
State of Nebraska

# AFFIDAVIT OF PUBLICATION

State of Nebraska }  
LANCASTER COUNTY, } ss.

## NOTICE OF MEETING AND RULE MAKING HEARINGS NEBRASKA

### REAL ESTATE COMMISSION

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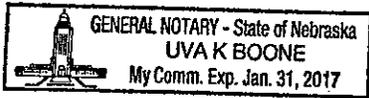
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Greg Lemon - Director  
Nebraska  
Real Estate Commission  
#601639 11 Apr 15

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.

Anna Mintz  
Subscribed in my presence and sworn to before me on April 15, 2016  
UVA K 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: 1	Date prepared: 3/31/2016
Subject: Certification of Pre-License Correspondence Courses	Telephone: 402 471-2004

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

**State Agency:** This requires the Commission to certify pre-license education when offered in correspondence format. While this is a new responsibility for the Commission, the number of such course submitted is not expected to be significant ((less than 5 a year) and can be absorbed within existing staff time. No Significant Fiscal Impact

**Political Subdivision:** No Fiscal Impact

**Regulated Public:** The Commission will not charge for certification, so this will decrease costs for regulators who formerly paid for Association of Real Estate License Law Officials certification, and, with more distance education classes available, it may decrease travel and time cost for applicants taking pre-license education classes in correspondence or satellite education facilities

If indeterminable, explain why: Not Applicable

## **Title 299 - NEBRASKA REAL ESTATE COMMISSION**

### **Chapter 1 - LICENSES; APPLICATIONS; TERMS, DEFINED; EXAMINATIONS; SURRENDER, SUSPENSION OR REVOCATION; RENEWAL; CANCELLATION; REINSTATEMENT; TRANSFER OF LICENSE.**

**001** All applications for real estate broker's or salesperson's original licenses must be filed in the Office of the Real Estate Commission and the applicant approved in accordance with the Nebraska Real Estate License Act prior to the date of examination. All applications to re-take an examination must be filed in the Office of the Real Estate Commission and the applicant re-approved in accordance with the Nebraska Real Estate License Act prior to the date of re-examination.

**002** An applicant shall forfeit the examination fee when said applicant fails to appear to take the examination for which said applicant has been scheduled, unless said applicant has given the required cancellation notice as contracted by the Real Estate Commission with the examination provider.

**003** Each original application for a broker's or salesperson's original license must include the Social Security Number of the applicant and be accompanied by a passport-type picture of the applicant taken within the past year.

**004** Persons desiring to secure a broker's license must first file with the Commission such application for a broker's license and pass a written examination. Written examination includes examinations completed by paper and pencil and computerized or electronic examinations as contracted for by the Real Estate Commission.

**004.01** The words "have first served actively for two years," as provided in Subsection (3) of Section 81-885.13 of the Nebraska Real Estate License Act, shall mean that the applicant must have devoted his or her full-time experience to activities requiring the holding of a salesperson's license or, if less than full time, for a period of time equal to two years of full-time experience.

**004.02** Courses of study provided in Section 81-885.13 of the Nebraska Real Estate License Act shall be courses of study approved by the Real Estate Commission and which are offered by (1) Nebraska accredited baccalaureate degree granting institutions and Nebraska or non-Nebraska institutions offering programs from which credits can be transferred to an accredited Nebraska baccalaureate degree granting institution, (2) Nebraska Community Colleges, (3) Special Institutes relating to real estate which Institutes are approved by the Real Estate Commission and (4) Proprietary Schools as provided in Section 81-885.13(4) of the Nebraska Real Estate License Act; Provided, the Real Estate Commission may give credit for similar courses taken at similar institutions in other states.

**004.03** Courses of study provided for in Section 81-885.13 of the Nebraska Real Estate License Act which are offered in a distance education format must be approved by the Real Estate Commission and 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.

**004.04** After January 1, 2017, courses of study provided for in Section 81-885.13 offered in correspondence study format shall be certified as to delivery method by the Real Estate

Commission. Such certification shall include: learning objectives stated through performance terms, required levels of cognition higher than rudimentary knowledge, intellectual interactions with the content, and a combination of purposeful formative and summative assessments.

**004.05** A student must complete the distance education course within one year of the date of enrollment. Distance education as used in this subsection shall mean courses in which instruction does not take place primarily by means of real time audio and visual interaction between teacher and student in a traditional classroom setting but rather through other media where instructor and student are separated by distance and sometimes by time.

**005** All examinations will be given under the supervision of the Director or his or her representative. The examination will be given no less than monthly unless otherwise ordered by the Commission. The Commission will inform applicants of approval to sit for the examination. In conducting the examination, the Commission may utilize professional testing services.

**006** The Commission shall pass upon the granting of broker's and salesperson's licenses and upon applications for reciprocal and non-resident licenses.

**007** An associate broker or salesperson, upon surrendering his or her license or when an order of suspension or revocation of his or her license becomes final, shall have their license forwarded by the employing broker at once to the Commission. If such license is that of a broker, such broker shall forward to the Commission with his or her own broker's license, all salesperson's or associate broker's licenses in his or her possession or in his or her office and shall be responsible for all missing licenses of his or her salespersons or associate brokers.

**008** Failure to make application for the renewal of a license prior to December 1st of the year the licensee's renewal is due as defined by Section 81-885.14 will automatically cancel the license of a real estate broker or a real estate salesperson as of December 31st of that year and such real estate broker or real estate salesperson is prohibited from engaging in the real estate business in the State of Nebraska until such license has been renewed in accordance with Section 81-885.14 of the Nebraska Real Estate License Act.

**009** Any licensee whose license has been canceled for failure to pay the renewal fee when due must comply with all requirements of a new applicant and comply with Section 81-885.53 of the Nebraska Real Estate License Act, if applicable, in order to secure reinstatement of his or her license, except as provided in Section 81-885.14(1) of the Nebraska Real Estate License Act.

**010** Any inactive broker or salesperson may renew his or her license by making application, before December 1st by submitting the renewal fee, together with the completed renewal application on which he or she has noted his or her present "Inactive Status". Any licensee whose license has been renewed on such "Inactive Status" shall not be permitted to engage in activities which require a real estate license under the Nebraska Real Estate License Act until such time as he or she fulfills the requirements for active status. Any license which has been inactive for a continuous period of more than three years shall be reinstated only after the licensee sits for and passes the applicable licensing examination in use at the time of activating the license and has made-up the required continuing education as set forth in Section 81-885.53 of the Nebraska Real Estate License Act.

**011** All licensees who enter the armed service or are called to active duty after issuance of a real estate license are not required to pay the renewal fee or complete the continuing education requirement during the period of service. Upon discharge from said service the license shall be reinstated if the date of discharge is within three years of the date of beginning such service. In order to be eligible for reinstatement upon discharge from said service, the licensee may make application for said reinstatement within six months of the date of discharge as long as the date of discharge is within three years of the date of beginning such service. In any case of reinstatement, the licensee shall show proof, in the form of a photostatic copy of his or her discharge or papers of separation, that his or her discharge was other than dishonorable. If date of discharge is after three years from the date of beginning such service, the licensee shall be required to meet all the requirements for active status including the successful completion of the current real estate examination before the license will be reinstated.

**012** When a licensee is transferring his/her license, the licensee shall not be deemed transferred until all required documents, fees and information have been received by the Commission. The licensee will be considered to be on inactive status from the date employment is terminated until the transfer is completed.

Laws 1973, LB 68 §10; RS 1943, §81-885.07(5) R.S. Supp., 1974. Effective date September 2, 1973.