

## LEGISLATIVE BILL 330

Approved by the Governor March 13, 1973

Introduced by Simpson, 46

AN ACT to amend sections 76-511, 76-513, 76-519, 76-523, 76-524, and 76-528, Reissue Revised Statutes of Nebraska, 1943, relating to the Abstracters Board of Examiners; to change qualifications; to provide for compensation of the secretary; to clarify provisions; to provide for Certificates of Registration; to eliminate an exemption; and to repeal the original sections.

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

Section 1. That section 76-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-511. There is hereby created an Abstracters Board of Examiners of five members to be appointed by the Governor to carry out the purposes and enforce the provisions of sections 25-1292 and 76-509 to 76-528. Except for members initially appointed, the board shall include two members who shall be attorneys at law, and three members who shall at all times be registered abstracters as provided in sections 25-1292 and 76-509 to 76-528. ~~not more than two members who shall at all times be registered abstracters as provided in sections 25-1292 and 76-509 to 76-528. Not less than one member shall be an attorney at law not engaged in the business of abstracting. Three members of the first board shall be abstracters who have been actively engaged in the business of abstracting in this state for a period of at least three years immediately preceding their appointment.~~ No more than two members of the board shall be appointed from the same county, at least one member shall be appointed from a county having as its largest city a city of the first class and at least one member shall be appointed from a county having as its largest city a city of the second class and no member of the board shall be employed by the same employer as any other member of the board. Each member of the board shall serve thereon for a term of five years and until his successor is appointed and qualified, excepting that the first board shall be comprised of one member appointed for a term of one year, one member appointed for a term of two years, one member appointed for a term of three years, one member appointed for a term of four years, and

one member appointed for a term of five years. Vacancies created by the death, resignation, or other disability to act of a member of the board shall be filled by appointment by the Governor and such successor shall possess the same qualifications as the member replaced and such member shall, upon qualification, serve the unexpired term of the member whom he succeeds. The term of office of members of the board initially appointed shall commence on November 18, 1965. No member of the board shall be appointed to succeed himself. No person may act as a member of the board while holding any other elective or appointive state or federal office.

Sec. 2. That section 76-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-513. All fees collected under sections 25-1292 and 76-509 to 76-528 shall be deposited in the state treasury and by the State Treasurer placed in the Abstracters Board of Examiners Cash Fund which is hereby created, from which all expenses of the board shall be paid, subject to appropriation. No member of the board other than the secretary shall receive a salary. Each member of the board and the secretary, if not a member of the board, shall receive a per diem compensation of fifty dollars for each day of actual service while attending meetings or otherwise engaged upon the business of the board, and shall receive a mileage allowance of not to exceed the maximum provided for in section 81-1014, for each mile actually traveled in the attendance of such business and the further allowance for expenses while absent from home upon business of the board. ~~The secretary shall be paid an annual salary in an amount not to exceed three hundred dollars to be determined by the board, which amount shall be in addition to per diem pay if the secretary is a member of the board~~ a salary to be determined by the board.

Sec. 3. That section 76-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-519. Any person desiring to become a registered abstractor under the provisions of sections 25-1292 and 76-509 to 76-528 shall make application to the board for registration. Such application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in determining the qualification of the applicant for registration and to determine that the applicant is of good character. Such applicant shall be of legal age. Each such application shall be accompanied by an

examination fee in the sum of twenty-five dollars. Upon receipt of such application the board shall notify the applicant of the time and place of the next scheduled examination, which notice shall be given to the applicant by mail. The examination shall be in such form of written interrogatories as may be prescribed by the board to determine the proficiency of the applicant. If the applicant satisfactorily passes such examination and is of good moral character, he shall be certified as a registered abstractor and the appropriate certificate shall be issued to him. The privileges granted by such certificate shall continue unless revoked or expired, as provided in sections 25-1292 and 76-509 to 76-528, or unless such certificate is otherwise surrendered to the board. Such certificate shall be in a form prescribed by the board and shall attest that such person possesses the knowledge, skill, and ability and understanding of abstracting and is designated a registered abstractor, and such certificate shall be prominently displayed in the abstract office wherein such person is employed. An applicant failing to pass the examination may reapply for registration. Such application shall be accompanied by the examination fee provided for in this section.

Sec. 4. That section 76-523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-523. All Certificates of Authority and Certificates of Registration issued pursuant to the provisions of sections 25-1292 and 76-509 to 76-528 shall expire on the same date, irrespective of when issued. The first date of expiration of such certificates shall be the first day of April next following November 18, 1965. Subsequent expiration dates of such certificates, either renewal or original, shall be the first day of April of each year. Certificates of Authority and Certificates of Registration shall be renewed, as provided in this section, for a one-year period upon payment of a renewal fee in the sum of twenty-five dollars for a Certificate of Authority and ten dollars for a Certificate of Registration. Not sooner than sixty days nor later than thirty days prior to the expiration date of the certificates, the board shall cause a notice of expiration and application for renewal including a statement for the annual fee for each certificate to be mailed to each of the holders of such certificates. Such notice and application shall be in a form prepared by the board. Upon determination by the board of the applicant's compliance with sections 25-1292 and 76-509 to 76-528, a renewal Certificate of Authority and Certificate of Registration shall be issued to the applicant.

Sec. 5. That section 76-524, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-524. If a holder of a Certificate of Authority and Certificate of Registration fails to apply for renewal of his authority and registration and to pay the fee provided therefor, the board shall cause to be mailed by registered or certified mail to such holder a notice that his certificate has or certificates have expired and is no longer valid authority for such person to engage in the business of abstracting. Such notice shall be mailed not more than thirty days following the certificate expiration date, ~~and the holder shall be granted an additional period of sixty days from the date of mailing such notice within which to file his application for renewal.~~ The board may, upon good cause being shown, order the renewal of such certificate. Such cause must be shown prior to June 1 next following the expiration date. The name of any holder failing to renew his authority certificates pursuant to the terms of this section shall be stricken from the records of the board and such person, firm, or corporation shall no longer engage in the business of abstracting in this state until again authorized so to do by the board, ~~pursuant to the provisions of section 76-522.~~

Sec. 6. That section 76-528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-528. Nothing in sections 25-1292 and 76-509 to 76-528 shall be construed as prohibiting any person, firm, or corporation holding a valid and subsisting Certificate of Authority from employing such clerical and stenographic assistants as may be necessary in the conduct of its business who are not registered under the provisions of sections 25-1292 and 76-509 to 76-528, ~~and the provisions of sections 25-1292 and 76-509 to 76-528 shall not apply to any person employed by the state, county, municipal, or federal governments in the preparation of abstracts of title.~~

Sec. 7. That original sections 76-511, 76-513, 76-519, 76-523, 76-524, and 76-528, Reissue Revised Statutes of Nebraska, 1943, are repealed.