

LEGISLATIVE BILL 480

Approved by the Governor February 24, 1984

Introduced by Warner, 25; Kilgarin, 7; Wagner, 41;
Goodrich, 20; L. Johnson, 15; Kahle, 37;
Marsh, 29; Morehead, 30; H. Peterson, 35

AN ACT relating to the State Real Estate Commission; to amend section 81-199, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.25, Revised Statutes Supplement, 1983; to change a provision relating to the termination of such commission as prescribed; to provide for a description of certain facts; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 81-199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-199. (1) Except for the State Real Estate Commission in section 81-198, upon ~~Upon~~ termination, each agency, board, or commission shall continue in existence until July 1 of the next succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of each respective agency. Upon the expiration of the one year after termination, each respective agency shall cease all activities.

(2) Upon termination of the State Real Estate Commission in section 81-198, such commission shall continue in existence until July 1 of the second succeeding year for the purpose of concluding its affairs. During this period, such termination shall not reduce or otherwise limit the powers or authority of the commission. Upon expiration of the two years after termination, the commission shall cease all activities.

Sec. 2. That section 81-885.25, Revised Statutes Supplement, 1983, be amended to read as follows:

81-885.25. (1) Before the commission shall censure a licensee or before revoking or suspending a license, it shall, unless the licensee waives his or her right to a hearing and has entered into a consent decree, give the holder of the license a hearing on the matter and shall, at least twenty days prior to the date set for the hearing, notify the license holder in writing. Such notice shall contain an exact statement of the charges against him or her and the date and place of hearing.

(2) The license holder shall have full authority to be heard in person or by counsel before the commission in reference to such charges. Such notice may be served by

delivering it personally to the license holder or by sending it by either registered or certified mail to the last-known business address of such license holder. If the license holder is an associate broker or a salesperson, the commission shall also notify the broker employing the license holder by mailing a copy of such notice to the broker's last-known business address.

(3) The license holder may request a description of the facts which are alleged as the basis for the censure, revocation, or suspension. The commission shall provide such description within ten days after receipt of the request.

Sec. 3. That original section 81-199, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.25, Revised Statutes Supplement, 1983, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.