

.As Engrossed: 1/28/91, 1/31/91, 2/5/91, 2/7/91, 2/13/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Scott**

A BILL ACT 541 OF 1991
SENATE BILL 75

For An Act To Be Entitled

"ARKANSAS APPRAISER LICENSING AND CERTIFICATION ACT."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Title. This act will be known and may be cited as "The Arkansas Appraiser Licensing and Certification Act".

SECTION 2. Definitions. As used in this act, the following terms shall have the following meanings:

(a) "Appraisal"-(noun) The act or process of estimating value; an estimate of value. (adjective) Of or pertaining to appraising and related functions, e.g. appraisal practice, appraisal services.

(b) "Appraisal Foundation"-The terms "Appraisal Foundation" and "Foundation" means the Appraisal Foundation established on November 30, 1987, as a not for profit corporation under the laws of Illinois.

(c) "Appraisal practice/services"-The work or services performed by appraisers for clients.

(d) "Appraiser Qualifications Board"-The Appraiser Qualifications Board is the board created under Article XII, Sections 12.01 through 12.08 inclusive, of the bylaws of the Appraisal Foundation, as amended April 22, 1990.

(e) "Appraisal Standards Board"-The Appraisal Standards Board is the board created under Article XI, Sections 11.01 through 11.13 inclusive, of the bylaws of the Appraisal Foundation, as amended April 22, 1990.

(f) "Appraisal Subcommittee"-The subcommittee of the Federal Financial Institutions Examination Council established under Title XI-Real Estate Appraisal Reform Amendments of the Financial Institutions Enforcement, Reform, and Recovery Act of 1989, Section 1102, by amendment to the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) through

1 the addition of new Section 1011, "Establishment of Appraisal Subcommittee".

2 (g) "Board"-The Arkansas Appraiser Licensing and Certification Board
3 established pursuant to this act.

4 (h) "Client"-Any person for whom an appraiser performs a service.

5 (i) "Federal Financial Institutions Regulatory Agencies"-The Board of
6 Governors of the Federal Reserve System, the Federal Deposit Insurance
7 Corporation, the Office of the Comptroller of the Currency, the Office of
8 Thrift Supervision, and the National Credit Union Administration.

9 (j) "Federally related transaction"-Any real estate-related financial
10 transaction which a financial institution, a federal financial institutions
11 regulatory agency or the Resolution Trust Corporation engages in, contracts
12 for, or regulates, and requires the services of an appraiser.

13 (k) "Financial institution"-An insured depository institution as
14 defined in the Federal Deposit Insurance Act, 12 U.S.C. 1813(c)(2), or an
15 insured credit union as defined in section 101 of the Federal Credit Union
16 Act, 12 U.S.C.1751 et seq.

17 (l) "Market analysis" or "broker's price opinion (BPO)"-A proposed sale
18 price opinion or recommended listing price given by a licensed real estate
19 broker, sales person or other, to a potential seller, purchaser, or third
20 party.

21 (m) "Personal property"-Identifiable portable and tangible objects
22 which are considered by the general public as being "personal", e.g.
23 furnishings, artwork, antiques, gems and jewelry, collectibles, machinery and
24 equipment: all property that is not classified as real estate.

25 (n) "Real estate"-An identified parcel or tract of land, including
26 improvements, if any.

27 (o) "Real property"-The interests, benefits, and rights inherent in the
28 ownership of real estate.

29 (p) "Real estate appraisal"-An unbiased estimate of the nature,
30 quality, value, or utility of an interest in, or aspect of, identified real
31 estate and related personalty. A real estate appraisal may be classified by
32 subject matter into either a valuation or an evaluation. A "valuation" is the
33 process of estimating the market value, investment value, insurable value or
34 other properly defined value of an identified interest or interests in a
35 specific parcel or parcels of real estate as of a given date. An "evaluation
36 (analysis)" is the study of the nature, quality, or utility of a parcel of

1 real estate or interests in, or aspects of real property, in which a value
2 estimate is not necessarily required, e.g. a study of real estate or real
3 property other than estimating value.

4 (q) "Real estate related financial transaction"-Any transaction
5 involving:

6 (1) the sale, lease, purchase, investment in or exchange of real
7 property, including interests in property, or the financing thereof;

8 (2) the refinancing of real property or interests in real property; and

9 (3) the use of real property or interests in property as security for a
10 loan or investment, including mortgage-backed securities.

11 (r) "Report"-Any communication, written or oral, of an appraisal,
12 review, or analysis; the document that is transmitted to the client upon
13 completion of an assignment; the tangible expression of an appraiser's
14 service.

15 (s) "Review"-The act or process of critically studying a report
16 prepared by another.

17 (t) "State certified appraiser"-Any individual who has satisfied the
18 requirements for state certification in the state of Arkansas and who is
19 qualified to perform appraisals of all real property types of any monetary
20 size and complexity.

21 (u) "State licensed appraiser"-Any individual who has satisfied the
22 requirements for state licensing in the state of Arkansas and who is qualified
23 to perform appraisals of all property types up to a monetary size and
24 complexity as prescribed by the Appraisal Subcommittee of the Federal
25 Financial Institutions Examination Council and the Federal Financial
26 Institutions Regulatory Agencies.

27 (v) "Uniform Standards of Professional Appraisal Practice"-The entire
28 body of rules, definitions, binding requirements, guidelines, explanatory
29 comments, and ethical conduct provisions as promulgated by the Appraisal
30 Standards Board of the Appraisal Foundation, which provide the basis for an
31 individual to conduct the practice of professional appraising with integrity,
32 objectivity, independent judgement, and in an ethical manner.

33 (w) "Written appraisal"-A written statement used in connection with a
34 federally related transaction that is independently and impartially prepared
35 by a licensed or certified appraiser setting forth an opinion of defined value
36 of an adequately described property as of a specific date, supported by the

1 presentation and analysis of relevant market information.

2

3 SECTION 3. Composition, Membership, Chairman.

4 (a) There is hereby created the Arkansas Appraiser Licensing and
5 Certification Board to be composed of eleven (11) members as follow:

6 (1) *Seven (7) practicing appraisers, provided that at all times at*
7 *least five (5) of the appraiser members of the board shall be and/or shall*
8 *become state certified appraisers and two (2) shall be and/or shall become*
9 *state licensed appraisers by the effective date of Title XI of the Financial*
10 *Institutions Reform, Recovery, and Enforcement Act of 1989. Failure to meet*
11 *or maintain this qualification shall result in automatic disqualification from*
12 *this board;*

13 (2) *One (1) board member shall be the State Bank Commissioner;*

14 (3) *One (1) board member shall be a representative of financial*
15 *institutions familiar with the appraisal process;*

16 (4) *one (1) senior citizen representative; and*

17 (5) *one (1) consumer representative.*

18 (b) *Of the seven (7) practicing appraiser members, no more than two (2)*
19 *shall reside in the same congressional district of the four Arkansas*
20 *congressional districts as they now exist. Additionally, the seven (7)*
21 *practicing appraiser members shall be represented by the various disciplines*
22 *found in the appraisal profession, which include, but are not limited to,*
23 *residential appraisal, commercial and industrial appraisal, forestry and*
24 *timberland appraisal, rural appraisal and any other appraisal discipline that*
25 *may be affected by this act.*

26 (c) *The Governor shall appoint the members of the board and may remove*
27 *a member for cause.*

28 (d) *The term of each appraiser board member shall be three (3) years;*
29 *except that, of the first appointed, four (4) shall be appointed for three (3)*
30 *years, and three (3) shall be appointed for two (2) years. The financial*
31 *member representative, the senior citizen and the consumer representative*
32 *shall have three-year (3) terms; the Governor may reappoint these positions*
33 *biennially. The State Bank Commissioner shall be a permanent member of the*
34 *board.*

35 (e) *Upon expiration of their terms, members of the board shall continue*
36 *to hold office until the appointment and qualification of their successors.*

1 No person shall serve as a member of the board for more than two (2)
2 consecutive terms.

3 (f) State chapters of national appraisal organizations which are
4 members of the Appraisal Foundation or its successor, plus the Arkansas
5 Chapter of the Association of Consulting Foresters of America, Inc., should
6 each submit to the Governor at least annually, on or before January 15th of
7 each calendar year, a list of two (2) names of members of their respective
8 organizations. Initially, the Governor shall appoint five (5) appraiser
9 members to the board from these lists, provided not more than two (2) members
10 represent any one of the national organizations which are members of the
11 Appraisal Foundation or the Association of Consulting Foresters of America,
12 Inc. Two (2) appraiser board members may be appointed by the Governor "at-
13 large". Subsequently, any appraiser vacancies shall be filled from these
14 lists with the exception of the Governor's two (2) at-large appointments.

15 (g) At least five (5) real estate appraiser members appointed to the
16 board shall be members in good standing of one of the Appraisal Foundation
17 member organizations or the Association of Consulting Foresters of America,
18 Inc., requiring qualified appraisal experience, education, and testing in
19 order to become a designated member in addition to adherence to standards of
20 professional practice in order to retain such designation. The nominees must
21 be from the Appraisal Foundation members having operating chapters
22 headquartered within the state of Arkansas. No practicing appraisers shall be
23 denied the opportunity to submit their names for consideration to fill either
24 of the two (2) at-large appointments to this board based solely upon
25 membership or lack of membership in any particular appraisal organization.

26 (h) The Governor shall appoint one (1) financial institution member to
27 the board. The Arkansas Bankers Association, Arkansas League of Savings
28 Institutions, the Arkansas Association of Bank Holding Companies, the Arkansas
29 Independent Bankers Association, the Arkansas Mortgage Bankers Association,
30 and the Arkansas Credit Union League should each submit a list of two (2)
31 names, annually, on or before January 15 of each calendar year, to the
32 Governor and the financial member shall be appointed and vacancy filled from
33 the lists of names provided.

34 (i) The members of the board will select a state certified appraiser
35 chairperson. The original chairperson shall become, by the effective date of

1 *Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act*
2 *of 1989, a state certified appraiser.*

3 (j) The Governor may appoint from the lists submitted to him by the
4 organizations which are members of the Appraisal Foundation, the Arkansas
5 Bankers Association, Arkansas League of Savings Institutions, the Arkansas
6 Association of Bank Holding Companies, *the Arkansas Independent Bankers*
7 *Association*, the Arkansas Mortgage Bankers Association, *the Arkansas Credit*
8 *Union League*, the Association of Consulting Foresters of America, Inc., and
9 *the Ouachita Society of American Foresters, Arkansas Division*, an
10 organizational sub-committee to be composed of two (2) members of each of
11 their state chapters plus two (2) members from lists submitted from appraisal
12 organizations not currently members of the Appraisal Foundation. The
13 subcommittee will assist the board in the duties required in the
14 implementation of this act. These subcommittee members are to serve for a
15 period of one (1) year without reimbursement and this subcommittee will not be
16 reappointed after the initial organizational period.

17 (k) *The Governor may, at his discretion, request additional names to be*
18 *submitted from organizations mentioned in this act eligible to fill*
19 *appointments to this board.*

20

21 SECTION 4. Powers and Duties of the Board.

22 (a) The Arkansas Appraiser Licensing and Certification Board may
23 establish, maintain, report, and periodically update meaningful qualification
24 standards for state licensed and state certified appraisers practicing in the
25 state of Arkansas, including testing, experience and educational requirements
26 that are adequate to demonstrate knowledge and competency, and that will
27 further demonstrate the continued compliance with all applicable federal law
28 and regulations including Title XI of the Financial Institutions Reform,
29 Recovery and Enforcement Act of 1989, related requirements of the Federal
30 Financial Institutions Regulatory Agencies, and the minimum standards and
31 qualifications as promulgated by the Appraisal Standards Board and the
32 Appraiser Qualifications Board of the Appraisal Foundation and as approved by
33 the Appraisal Subcommittee of the Federal Financial Institutions Examination
34 Council.

35 (b) The Arkansas Appraiser Licensing and Certification Board may adopt,

1 maintain, report, and periodically update minimum reporting standards for state
2 licensed and state certified appraisers practicing in the state of Arkansas.
3 The reporting standards shall be equivalent to the "Uniform Standards of
4 Professional Appraisal Practice" as promulgated by the Appraisal Standards
5 Board of the Appraisal Foundation and shall at all times seek compliance with
6 all applicable federal law and regulations including Title XI of the
7 Financial Institutions Reform, Recovery and Enforcement Act of 1989, related
8 requirements of the Federal Financial Institutions Regulatory Agencies, and
9 the minimum standards as promulgated by the Appraisal Standards Board of the
10 Appraisal Foundation and as approved by the Appraisal Subcommittee of the
11 Federal Financial Institutions Examination Council.

12 (c) In accordance with these general powers and duties, the board
13 shall:

14 (1) Perform all duties and functions necessary to carry out the
15 provisions of this act.

16 (2) Receive applications for licensing and certification, establish
17 administrative procedures for processing applications, approve and issue
18 licenses and certificates to qualified applicants or disapprove applications
19 for licensing and certification for applicants who do not meet the minimum
20 requirements for licensing or certification as prescribed in this act. All
21 application materials and records submitted to the board shall be retained by
22 the board.

23 (3) Maintain a roster of the names, addresses, and telephone numbers
24 of all persons licensed and certified under this act and, in accordance with
25 Section 1103(a)(3) and Section 1109(a)(1) of Title XI of the Financial
26 Institutions Reform, Recovery, and Enforcement Act of 1989, shall submit this
27 roster annually to the Appraisal Subcommittee. This roster may be published
28 and periodically updated and provided to all interested parties at cost.

29 (4) Establish by regulation: minimum examination, education,
30 experience, and continuing education requirements for state licensed and state
31 certified appraisers. *The criteria for a state licensed appraiser shall be*
32 *less rigorous than the criteria for a state certified appraiser; however, they*
33 *will ensure that licensed appraisers have sufficient experience and training*
34 *to perform appraisals for transactions within and in compliance with Title XI*
35 *of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.*

1 These regulations shall at all times *be equivalent* to the minimum appraiser
2 qualification criteria as promulgated by the Appraiser Qualifications Board of
3 the Appraisal Foundation. With respect to examinations, these regulations
4 shall at all times require minimum examination contents that *are equivalent* to
5 the National Uniform Examination Content as promulgated by the Appraiser
6 Qualifications Board of the Appraisal Foundation and shall provide for the
7 selection and utilization of a testing service acceptable to the Appraiser
8 Qualifications Board of the Appraisal Foundation. *Every application for*
9 *licensing and certification shall be accompanied by an examination fee that*
10 *the board may establish by regulation. However, the board, at its discretion,*
11 *may direct each applicant to pay the actual cost of the examination fee*
12 *directly to a testing service engaged by the board to administer the*
13 *examination. No examination fee for licensing or certification shall exceed*
14 *one hundred dollars (\$100.00). Courses, schools, seminars, and any other*
15 *educational programs must be recognized by the Arkansas Appraisal Licensing*
16 *and Certification Board as acceptable to satisfy licensing and certification*
17 *standards and continuing education requirements under this act.*

18 (5) Establish administrative procedures for disciplinary proceedings
19 conducted pursuant to the provisions of this act. These procedures shall
20 include provisions for the suspension and revocation of licenses and
21 certificates and the enforcement of civil penalties concurrent with existing
22 statutes regarding civil procedures. The board may subpoena and issue
23 subpoena duces tecum and bring before it any person in this state, and to take
24 testimony by deposition, in the same manner as prescribed by law in judicial
25 proceedings in the courts of this state, or require production of any records
26 relevant to any inquiry or hearing by this board.

27 (6) *Recommend* procedures necessary to assure the ready availability to
28 appraisers in the state of adequate and reliable information regarding
29 property prices and the terms and conditions of real estate and real property
30 transactions and related financing.

31 (7) Establish administrative procedures for the setting, charging, and
32 collection of fees necessary for the operation of this board and to
33 concurrently collect and submit to the proper agency as prescribed under
34 Section 1109(a)(2) of the Financial Institutions Reform, Recovery and
35 Enforcement Act of 1989 and any other related federal law, any additional fees

1 that may from time to time be required to be paid by appraisers whose
2 practices include the appraisal of properties included in federally related
3 transactions.

4 (8) *The total annual resident licensing, certification and application*
5 *fees established by the Board shall not exceed three hundred dollars (\$300.00)*
6 *excluding fees for examination and federal pass-through fees.*

7 (9) *The Board is authorized to adopt and enforce such administrative*
8 *rules and regulations as may be necessary to comply with state law and federal*
9 *law with specific reference to Title XI of the Financial Institutions Reform,*
10 *Recovery, and Enforcement Act of 1989 as it exists today and as it may be*
11 *amended and adopted by the Appraisal Subcommittee of the Federal Financial*
12 *Institutions Examination Council.*

13

14 SECTION 5. Meetings, Quorum and Voting.

15 (a) The board shall meet not less frequently than twice each calendar
16 year to conduct its business. Places of future meetings shall be decided by
17 the vote of members at meetings. Written notice shall be given to each member
18 of the time and place of each meeting of the board at least ten (10) days
19 before the scheduled date of the meetings.

20 (b) An administrative secretary shall be present at all meetings of the
21 board and shall record the minutes of all meetings, the record of which shall
22 be made a permanent part of the records of the board.

23 (c) A quorum of the board shall be seven (7) members, providing that
24 four (4) must be state licensed or state certified appraisers. No binding
25 decisions or regulatory changes may be made by the board in the absence of a
26 quorum.

27 (d) Each member of the board shall be entitled to a per diem allowance
28 of not more than fifty dollars (\$50) for each meeting of the board at which
29 the member is present and for each day or substantial part thereof actually
30 spent in the conduct of the business of the board, plus all appropriate
31 expenses as approved by the board.

32

33 SECTION 6. Exceptions to Licensing.

34 (a) This act shall not apply to a real estate broker or sales person
35 licensed by this state who, in the ordinary course of his or her business,

1 gives to a potential seller or third party, a "market analysis" or "broker's
2 price opinion (BPO)", as to the recommended listing price of real estate or
3 an opinion to a potential purchaser or third party as to the recommended price
4 of real estate. The listing price or the purchase price shall not be referred
5 to as an "appraisal", but as a "market analysis" or "broker's price opinion".

6 (b) The provisions of this act shall not apply to any state, county, or
7 municipal public officer nor shall such provisions apply to any full-time
8 employee of any agency, department, or commission of this state while such
9 officer or employee is performing appraisal or appraisal-related duties as
10 such officer or employee. Any appraisals performed by state, county or
11 municipal officers or employees outside the scope of their employment are
12 subject to the provisions of this act.

13 (c) This act shall not apply to employees performing appraisals for
14 internal (non-public), non-federally related purposes, or company foresters in
15 the ordinary course of their duties.

16 (d) *This act shall not apply to appraisers when providing appraisal
17 reports or appraisal services in non-federally related transactions. If an
18 appraiser does not make appraisals for any federal agency, any federally
19 insured lending institution, the Federal Housing Administration, the Federal
20 National Mortgage Association, the Federal Deposit Insurance Corporation, The
21 United States Federal Bankruptcy Courts, the Federal Highway Administration,
22 the Federal Aviation Administration, the Department of Veterans Affairs, the
23 Internal Revenue Service, or any other federal or quasi-federal authority,
24 including appraisal work that is distributed via interstate commerce, or
25 appraisals involving transactions above the threshold established by a federal
26 financial institutions regulatory agency, the appraiser is exempt from the
27 provisions of this Act.*

28 (e) *This act shall not preclude any person from testifying as an expert
29 witness in any judicial proceeding where the value of real estate is in issue
30 and the court otherwise qualifies such person as meeting the qualifications of
31 an expert witness.*

32

33 SECTION 7. Necessity for License. This act is created in response to
34 Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of
35 1989 (FIRREA) and specifies two classes of appraisers, e.g. state licensed

1 appraisers and state certified appraisers. A state licensed appraiser as
 2 defined herein, may appraise real property for compensation if the use of a
 3 state certified appraiser is not required under this act or by federal or
 4 state law, rule or policy. It is unlawful for any individual to perform an
 5 appraisal or provide appraisal services as defined herein, without holding a
 6 license except as provided in Section 6. Nothing in this act shall be
 7 construed to prohibit any person who is licensed to practice in this state
 8 under any other law, from engaging in the practice for which he or she is
 9 licensed. *No person shall be excluded from obtaining a license or*
 10 *certification based solely upon membership or lack of membership in any*
 11 *particular appraisal organization.*

12

13 SECTION 8. Additional Licenses - Non-Residents.

14 (a) If, in the determination by the board, another state is deemed to
 15 have substantially equivalent licensing and certification requirements, an
 16 applicant who is licensed or certified under the laws of such other state may
 17 obtain a temporary license or certificate as a state licensed appraiser or a
 18 state certified appraiser in this state upon such terms and conditions as may
 19 be determined by the board. An appropriate fee is to be charged.

20 (b) Every applicant for licensing or certification under this act who
 21 is not a resident of this state shall submit, with the application for
 22 licensing or certification, an irrevocable consent that service of process
 23 upon him or her may be made by delivery of the process to the Secretary of
 24 State if, in an action against the applicant in a court of this state arising
 25 out of the applicant's activities as a state licensed appraiser or state
 26 certified appraiser, the plaintiff cannot effect personal service upon the
 27 applicant. A non-resident of this state who has complied with this provision
 28 may obtain a license or certification as a state licensed appraiser or a state
 29 certified appraiser by conforming to all of the provisions of this act
 30 relating to state licensed appraisers or state certified appraisers including
 31 the payment of a fee.

32

33 SECTION 9. Use of Terms.

34 (a) The terms "Certified Real Property Appraiser", "Certified Real
 35 Estate Appraiser" and "Certified Appraiser" shall only be used to refer to

1 individuals who hold a current certificate and shall not be used in connection
2 with or as part of the name or signature of an individual, a firm, a
3 partnership, a corporation, a group, or other business entity, or anyone other
4 than an individual holder of the certificate.

5 (b) No appraiser practicing or providing appraisal services in this
6 state as defined herein, may use the terms "Certified" or "Licensed" in
7 conjunction with his or her appraisal practice, unless they hold a valid
8 license or certification issued under the provisions of this act.

9 (c) The term "Licensed Real Estate Appraiser", "Licensed Real Property
10 Appraiser" or "Licensed Appraiser" shall only be used to refer to individuals
11 who hold a current license and shall not be used in connection with or as part
12 of the name or signature of an individual, a firm, a corporation, or group, or
13 in a manner that may be interpreted as referring to a firm, partnership,
14 corporation, group, or other business entity, or anyone other than an
15 individual holder of the license.

16 (d) A license or certificate shall not be issued under this act to a
17 firm, corporation, partnership, group, or other business entity.

18 (e) No person other than a "state licensed appraiser", or "state
19 certified appraiser", shall assume or use that title or any title,
20 designation, or abbreviation likely to create the impression of licensing or
21 certification as an appraiser by this state. A person who is not "licensed"
22 or "certified" pursuant to this act shall not describe or refer to any
23 appraisal report, written or oral, or other evaluation of real estate covered
24 under the activities of appraisers, by the terms "licensed", "certified" or
25 any other similar term that may be construed to imply qualification or
26 competency recognized by the state.

27 (f) Each "state licensed appraiser" and each "state certified
28 appraiser" shall comply with the Uniform Standards of Professional Appraisal
29 Practice and Code of Ethics adopted by the board and shall authenticate all
30 written appraisal reports with a seal which shall indicate the license or
31 certification number. Said seal and number shall also be used in all types of
32 media advertising, statements of qualifications, contracts or other
33 instruments used by the license or certificate holder when reference is made
34 to his or her status as a state licensed appraiser or a state certified
35 appraiser.

1 (g) License and certificate documents, licenses, certificates, seals
2 and pocket cards shall remain the property of the state and upon any
3 suspension, revocation, or other termination of a license or certification
4 pursuant to this act, the individual holding the related document(s) shall
5 immediately return such document(s) to the board.

6
7 SECTION 10. Effective Dates.

8 (a) *After July 1, 1991, or such later date as established by the*
9 *Appraisal Subcommittee, it shall be unlawful for any person who is not*
10 *licensed or certified pursuant to this act to perform appraisal services as*
11 *defined herein in connection with a federally related transaction.*

12 (b) The adoption of reporting standards in conformance with the Uniform
13 Standards of Professional Appraisal Practice and the related ethics
14 provisions, shall be effective immediately following the signing of this act
15 into law by the Governor. Additionally, all real estate appraisals and
16 reports as defined herein, conducted as part of a federally related
17 transaction as defined herein, shall be written reports, effective immediately
18 following the signing of this act into law by the Governor.

19
20 SECTION 11. *In fulfilling its duties under this act, the Arkansas*
21 *Appraisal Licensing and Certification Board shall comply with the*
22 *Administrative Procedure Act, Arkansas Code 25-15-201 et seq., and any person*
23 *aggrieved by any rule or other actions of the Board for which an appeal is not*
24 *provided for in the Administrative Procedure Act may appeal to the Circuit*
25 *Court of Pulaski County.*

26
27 SECTION 12. (a) *Disciplinary hearings conducted by the Board for the*
28 *purpose of determining whether to levy civil penalties under this Act and/or*
29 *for the purpose of determining whether to revoke or suspend any license or*
30 *certificate issued pursuant to this Act shall not be deemed open public*
31 *meetings but shall be executive sessions conducted as provided for in the*
32 *Arkansas Freedom of Information Act.*

33 (b) *Sample appraisals and other work papers submitted to the Board as*
34 *partial fulfillment of the requirements for licensure and/or certification*
35 *under this Act shall not be deemed public records under the Arkansas Freedom*

1 of Information Act.

2

3 SECTION 13. It is the intent of the General Assembly that this law be
4 no more restrictive than required under the Federal Financial Institutions
5 Reform, Recovery and Enforcement Act.

6

7 SECTION 14. All provisions of this act of a general and permanent
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
9 Code Revision Commission shall incorporate the same in the Code.

10

11 SECTION 15. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16

17 SECTION 16. All laws and parts of laws in conflict with this act are
18 hereby repealed.

19

20 SECTION 17. Emergency. It is hereby found and determined by the
21 Seventy-Eighth General Assembly that minimum standards must be provided for
22 the licensing and certification of appraisers in accordance with the
23 requirements of the Financial Institutions Reform, Recovery and Enforcement
24 Act of 1989 and that there will continue to be a need to provide adequate
25 protection and safeguards for the public; that such provision should be
26 enacted immediately; and that this act would so provide. Therefore, an
27 emergency is hereby declared to exist and this act being immediately necessary
28 for the preservation of the public peace, health, and safety shall be in full
29 force and effect from its passage and approval.

30

31 /s/Scott

32

33 APPROVED: 3-14-91

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