



# Memo from the Board to Nebraska Real Property Appraisers

May 31, 2016

## REVISIONS TO NEBRASKA REAL PROPERTY APPRAISER ACT EFFECTIVE APRIL 7, 2016

By Tyler Kohtz, Director

The Nebraska Real Property Appraiser Board's ("Board") biennial USPAP and AQB Appraiser Qualifications Criteria update bill, [LB731](#), was passed by the Nebraska State Legislature on March 31, 2016, and signed into law by Governor Ricketts on April 6, 2016. This bill included updates to the Nebraska Real Property Appraiser Act ("Act") to meet current federal requirements, and some general administrative changes as summarized below:

- All date references are updated from January 1, 2014 to January 1, 2016 (The definition of the Dodd-Frank Wall Street Reform and Consumer Protection Act, USPAP, the date of course approval by the Appraiser Qualifications Board of The Appraisal Foundation for the 15-Hour, and 7-Hour, National Uniform Standards of Professional Appraisal Practice course, and the definition of Financial Institutions Reform, Recovery, and Enforcement Act of 1989).
- The definition of signature is modified to include the language, "and compliance with the Uniform Standards of Professional Appraisal Practice" to further clarify the responsibility accepted by signing a report.
- Neb. Rev. Stat. § 76-2221 (1) is modified to clarify that only a credentialed real property appraiser who is a salaried employee of the entities defined in "a" through "d" of this section, that does not sign a report as a credentialed real property appraiser, shall include the disclosure, "This opinion of value may not meet the minimum standards contained in the Uniform Standards of Professional Appraisal Practice and is not governed by the Real Property Appraiser Act."
- A clarification is added in Neb. Rev. Stat. § 76-2221 for any person appointed to serve as an appraiser pursuant to section 76-706. If such person is a credential holder, he or she is now subject to the scope of practice for his or her credential, and shall comply with certain requirements of USPAP.

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- Neb. Rev. Stat. § 76-2222 (1) is updated to allow for any certified real property appraiser to be selected as one of the three congressional representatives.
- Neb. Rev. Stat. § 76-2227 (1), (2), (3) is updated to include all types of credentials applicable to the provision. This change is made to allow for the background requirements currently found in Neb. Rev. Stat. §§ 76-2227.01 through 76-2233 to be consolidated in 76-2227.
- The background requirements currently found in Neb. Rev. Stat. §§ 76-2227.01 through 76-2233 for an initial, upgrading, and renewal of a credential is consolidated under Neb. Rev. Stat. § 76-2227 to eliminate duplication under each section. In addition, language is added to establish that an applicant or a credential holder must not possess a background that would call into question public trust, or his or her fitness for credentialing, to satisfy the requirements of the newly added Guide Note 9 in 2015 AQB Real Property Appraiser Criteria.
- The course completion time requirements, and the final exam requirements, are removed for the Real Property Associate in Neb. Rev. Stat. § 76-2227.01.
- Neb. Rev. Stat. § 76-2228.01 (c) (i) is updated to clarify that the 15-Hour National Uniform Standards of Professional Appraisal Practice course shall be completed within two years preceding the submission of the application, which strengthens the existing language found in the Act (the current requirement is two years).
- The 7-Hour Report Writing Update Course required every four years for renewal of a credential is changed to a report writing course of at least seven hours in Neb. Rev. Stat. § 76-2236 (4).
- Neb. Rev. Stat. § 76-2238 (20) and (21) is updated to state, “issued by another regulatory agency,” instead of “held by another regulatory agency.”
- The language “For a licensed residential real property appraiser, a certified residential real property appraiser, or a certified general real property appraiser” concerning the inactive credential application fee is removed from Neb. Rev. Stat. § 76-2241 (g) to be consistent with Neb. Rev. Stat. § 76-2241 (h), which includes the inactive credentialing fee.

Another bill, [LB729](#), which was passed by the Nebraska State Legislature on March 3, 2016, and signed into law by Governor Ricketts on March 9, 2016, also revised the Act. LB729 was not introduced on behalf of the Board, but on behalf of the Nebraska Association of County Officials. The Board testified as neutral on this bill, and during its testimony, expressed concern with the language as it existed in LB729. The Board offered alternative language to resolve the Board’s concern with the existing language, but the bill passed as drafted. The following is a new law added to the Nebraska Real Property Appraiser Act:

When referring to whom the Real Property Appraiser Act shall not apply to, Neb. Rev. Stat. § 76-2221 (9) states, “Any person, including an independent contractor, retained by a county to assist in the appraisal of real property as performed by the county assessor of such county subject to the standards established by the Tax Commissioner pursuant to section 77-1301.01. A person so retained shall be under the direction and responsibility of the county assessor.”

If you would like more information concerning these changes, or have any questions, please contact the Board’s Director, Tyler Kohtz, at 402-471-9015, or [tyler.kohtz@nebraska.gov](mailto:tyler.kohtz@nebraska.gov).