

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB989

Hearing Date: Tuesday January 23, 2024
Committee On: Banking, Commerce and Insurance
Introducer: Dungan
One Liner: Change and eliminate provisions of the Nebraska Appraisal Management Company Registration Act and the Real Property Appraiser Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, Slama, von Gillern
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator George Dungan
Tyler Kohtz
Robert Hallstrom

Representing:

Opening Presenter
Nebraska Real Property Appraiser Board
Nebraska Bankers Association

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 989 is a bill that was introduced by Senator Dungan. It would amend a number of statutes making up the Nebraska Appraisal Management Company Registration Act ("Act") that is currently found at Neb. Rev. Stat. § 76-3201 to 76-3222.

LB 989 updates the Act by implementing the recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as identified during its 2022 State Off-site Assessment ("SOA"). The bill also includes a small upward change to one fee limit, and minor changes to address the administration of the Act and reduce unnecessary barriers for owners of appraisal management companies.

The bill would provide, generally, as follows:



In Neb. Rev. Stat. § 76-3202(2), “National” is stricken and “Appraiser” is added before “Registry” to harmonize the Act with the language found in the Real Property Appraiser Act.

The definition of “AMC final rule” is stricken in Neb. Rev. Stat. § 76-3202(3) and the definition “AMC rule” added at Neb. Rev. Stat. § 76-3202(4) concerning the rules adopted by the federal agencies as required in section 1124 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as such rules existed on January 1, 2024. This update incorporates the Appraisal Subcommittee’s terminology as recommended by the Appraisal Subcommittee during its 2022 SOA.

In Neb. Rev. Stat. § 76-3202(3) “National” is stricken and “AMC” is added before “Registry” in the renamed definition “AMC Registry”. This update incorporates the Appraisal Subcommittee’s terminology as recommended by the Appraisal Subcommittee during its 2022 SOA.

“Who each hold a credential” is stricken from Neb. Rev. Stat. § 76-3202(2)(6)(c)(i) and “who each hold a credential or equivalent” is stricken from Neb. Rev. Stat. § 76-3202(2)(6)(c)(ii) for clarification as AMC appraiser is a defined term. The stricken language is thus unnecessary.

“2019” is updated to “2024” in the definition of “Federally regulated appraisal management company” in Neb. Rev. Stat. § 76-3202(18)(a).

The definition “real property appraiser” is added at Neb. Rev. Stat. § 76-3202(27) to harmonize the Act with the defined term found in the Real Property Appraiser Act. Real property appraiser is currently referenced in the Act and is different from AMC appraiser.

“Final” is stricken from Neb. Rev. Stat. §§ 76-3203(5), 76-3203.02(1),(2), and 76-3206(2) to utilize the new defined term “AMC rule”. This update incorporates the Appraisal Subcommittee’s terminology as recommended by the Appraisal Subcommittee during its 2022 SOA.

“National” is stricken from Neb. Rev. Stat. §§ 76-3203.02(2) and 76-3206(2) to utilize the new defined term “AMC Registry”.

Neb. Rev. Stat. § 76-3206(1)(c) is updated to increase the renewal registration fee cap up to two thousand dollars.

“Real property appraiser” is added before “credential” in Neb. Rev. Stat. § 76-3207(1)(a)(4) to harmonize the Act with the definition “Real property appraiser” found in the Real Property Appraiser Act.

Subdivisions (b) and (c) are added to Neb. Rev. Stat. § 76-3207(2) to remove the Criminal History Record Check (“CHRC”) requirement, at the time application for renewal of an appraisal management company’s registration is made, for any owner of more than ten percent of an AMC if such owner of more than ten percent of the AMC has previously completed a CHRC for the purpose of AMC ownership. A CHRC is still required for any new owner of more than ten percent of an AMC, as identified by the Board, or at the time application for renewal of a registration as an AMC is made if a CHRC has not been completed for the purpose of AMC ownership. This update meets the requirements for ownership limitations for state-registered AMCs under the AMC Rule.



“AMC” is added before “appraiser” in Neb. Rev. Stat. § 76-3220 to utilize the defined term AMC appraiser.

Section 11 is added to provide civil and criminal immunity for board members, board employees, and contractors. This language harmonizes the Act with the Real Property Appraiser Act as found under Neb. Rev. Stat. § 76-2225.

Neb. Rev. Stat. §§ 76-3209 and 76-3211 are outright repealed. This language is duplicative of language found under the Appraisal panel requirements at Neb. Rev. Stat. § 76-3203.01.

Julie Slama, Chairperson

