

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB152

Hearing Date: Monday February 13, 2023
Committee On: Banking, Commerce and Insurance
Introducer: Dover
One Liner: Eliminate registration requirements under the Membership Campground 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:
Tim Schroeder
Greg Lemon

Representing:
Legislative Aide for Senator Dover
Nebraska Real Estate Commission

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 152 would amend and repeal various sections of the Membership Campgroup Act (Act), an Act related to consumer protection for purchasers of membership camping contracts. The bill would provide, section by section, as follows:

Section 1 amends section 76-2102 by removing the definition of blanket encumbrance from the Act.

Section 2 removes subsection 6 of section 76-2104, a prohibition under the Act that prevented a person, in connection with the offering, sale or lease of an interest in a membership campground from making any statement or representation or issuing, circulating, or publishing any advertising matter containing any statement that the membership campground has been in any way approved by the State Real Estate Commission (Commission) except in conjunction with a public report issued by the Commission.

Section 3 amends section 72-2106 by removing language stating that certain enumerated transactions are exempt from registration under the Act, and adding language stating that the Act does not apply to those enumerated transactions.

Section 4 amends section 76-2110, a section of the Act that requires membership camping operators to make certain disclosure statements to a purchaser or prospective purchaser. First, the section removes language restricting the applicability of the disclosure requirement, thereby making all membership camping operators subject to the disclosure requirements. Second, the section removes entirely the disclosure requirement language REGISTRATION OF THE MEMBERSHIP CAMPING OPERATOR WITH THE STATE REAL ESTATE COMMISSION SHALL NOT CONSTITUTE AN APPROVAL OR ENDORSEMENT BY THE COMMISSION OF THE MEMBERSHIP CAMPING OPERATOR, THE MEMBERSHIP CAMPING CONTRACT, OR THE CAMPGROUND. Lastly, this section removes the requirement that a membership camping operator promptly amend the disclosure statement to reflect any material change and promptly file any such amendments with the State Real Estate Commission.

Section 5 amends section 76-2117, a section of the Act that prohibits certain information from being contained in advertisements, communications, or sales literature relating to membership camping contracts. First, the section adds language increasing the applicability of the section to include a person's employee or agent. Second, the section removes references to two sections being removed in Section 7 of the bill.

Section 6 repeals the original sections being amended.

Section 7 outright repeals the following sections:

76-2103, 76-2105, 76-2107, 76-2108, 76-2109, 76-2114, 76-2115 and 76-2116

Julie Slama, Chairperson