

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1301

FINAL READING

Introduced by DeKay, 40; Halloran, 33; Aguilar, 35; Jacobson, 42; von Gillern, 4; Linehan, 39; Dorn, 30; McDonnell, 5; Kauth, 31; Brandt, 32; Lippincott, 34; Holdcroft, 36; Hansen, 16; Hardin, 48; Brewer, 43; Erdman, 47; Albrecht, 17; at the request of the Governor.

Read first time January 16, 2024

Committee: Agriculture

1 A BILL FOR AN ACT relating to real property; to amend sections 4-107,
2 25-1081, 30-2312, 76-402, 76-404, 76-405, 76-406, 76-407, 76-412,
3 76-413, 76-414, 81-201, and 84-205, Reissue Revised Statutes of
4 Nebraska; to adopt the Foreign-owned Real Estate National Security
5 Act; to change provisions relating to nonresident aliens taking
6 property by succession or testamentary disposition; to change and
7 eliminate provisions relating to foreign ownership of real property;
8 to provide duties for the Department of Agriculture and Attorney
9 General; to harmonize provisions; to provide an operative date; to
10 provide severability; to repeal the original sections; and to
11 outright repeal sections 76-403, 76-408, 76-409, 76-410, 76-411, and
12 76-415, Reissue Revised Statutes of Nebraska.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 4-107, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 4-107 (1) The right of a nonresident ~~an alien not residing within~~
4 ~~the United States or its territories~~ to take either real or personal
5 property or the proceeds thereof in this state by succession or
6 testamentary disposition, upon the same terms and conditions as
7 inhabitants and citizens of the United States, is dependent in each case
8 upon:

9 (a) ~~The~~ Upon ~~the~~ existence of a reciprocal right upon the part of
10 citizens of the United States to take real and personal property and the
11 proceeds thereof upon the same terms and conditions as inhabitants and
12 citizens of the country of which such nonresident alien is an inhabitant;

13 (b) ~~The~~ Upon ~~the~~ rights of citizens of the United States to receive
14 by payment to them within the United States or its territories money
15 originating from the estates of persons dying within such foreign
16 country; ~~and~~

17 (c) Proof ~~Upon~~ ~~proof~~ that such nonresident alien heirs,
18 distributees, devisees, or legatees may receive the benefit, use, or
19 control of property or proceeds from estates of persons dying in this
20 state without confiscation in whole or in part, by the governments of
21 such foreign countries; and -

22 (d) Compliance of the nonresident alien with the Foreign-owned Real
23 Estate National Security Act, except that if the nonresident alien does
24 not comply with the Foreign-owned Real Estate National Security Act, the
25 act shall control the transfer and disposition of any of the property
26 that is agricultural land.

27 (2) The burden is upon such nonresident alien to establish the fact
28 of existence of the reciprocal rights set forth in subsection (1) of this
29 section.

30 (3) If such reciprocal rights are not found to exist, the property
31 shall be delivered to the State Treasurer to be held for a period of five

1 years from date of death during which time such nonresident alien may
2 show that he or she has become eligible to receive such property. If at
3 the end of such period of five years no showing of eligibility is made by
4 such nonresident alien, his or her rights to such property or proceeds
5 shall be barred.

6 (4) At any time within the one year following the date the rights of
7 such nonresident alien have been barred, any other person other than an
8 ineligible nonresident alien who, in the case of succession or
9 testamentary disposition, would have been entitled to the property or
10 proceeds by virtue of the laws of Nebraska governing intestate descent
11 and distribution had the nonresident alien predeceased the decedent, may
12 petition the district court of Lancaster County for payment or delivery
13 of such property or proceeds to those entitled thereto.

14 (5) If no person has petitioned the district court of Lancaster
15 County for payment or delivery of such property or proceeds within six
16 years from the date of death of decedent, such property or proceeds shall
17 be disposed of as escheated property.

18 (6) All property other than money delivered to the State Treasurer
19 under this section may within one year after delivery be sold by the
20 State Treasurer ~~him~~ to the highest bidder at public sale in whatever city
21 in the state ~~affords~~ in the State Treasurer's ~~his~~ judgment would be the
22 most favorable market for the property involved. The State Treasurer may
23 decline the highest bid and reoffer the property for sale if the State
24 Treasurer ~~he~~ considers the price bid insufficient. The State Treasurer ~~He~~
25 need not offer any property for sale if, in the State Treasurer's ~~his~~
26 opinion, the probable cost of sale exceeds the value of the property. Any
27 sale held under this section shall be preceded by a single publication of
28 notice of such sale ~~thereof~~ at least three weeks in advance of sale in a
29 ~~an English language~~ newspaper of general circulation in the county where
30 the property is to be sold and the cost of such publication and other
31 expenses of sale paid out of the proceeds of such sale. The purchaser at

1 any sale conducted by the State Treasurer pursuant to this section shall
2 receive title to the property purchased, free from all claims of the
3 owner or prior holder of such property ~~thereof~~ and of all persons
4 claiming through or under such owner or prior holder ~~them~~. The State
5 Treasurer shall execute all documents necessary to complete the transfer
6 of title.

7 (7) For purposes of this section, nonresident alien has the same
8 meaning as in section 5 of this act.

9 Sec. 2. Section 25-1081, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 25-1081 A receiver may be appointed by the district court (1) in an
12 action by a vendor to vacate a fraudulent purchase of property, by a
13 creditor to subject any property or fund to his or her claim, or between
14 partners, limited liability company members, or others jointly owning or
15 interested in any property or fund on the application of any party to the
16 suit when the property or fund is in danger of being lost, removed, or
17 materially injured, (2) in an action for the foreclosure of a mortgage or
18 in an action to foreclose a trust deed as a mortgage when the mortgaged
19 property or property subject to the trust deed is in danger of being
20 lost, removed, or materially injured or is probably insufficient to
21 discharge the mortgage debt secured by the mortgage or trust deed, (3) in
22 connection with the exercise of the power of sale under a trust deed and
23 following the filing of a notice of default under the Nebraska Trust
24 Deeds Act when the property subject to the trust deed is in danger of
25 being lost, removed, or materially injured or is probably insufficient to
26 discharge the debt secured by the trust deed, (4) in an action brought
27 pursuant to section 52-1705 to enforce a written assignment of rents
28 provision contained in any agreement and the agreement provides for the
29 appointment of a receiver, (5) in any other case in which a mortgagor or
30 trustor has agreed in writing to the appointment of a receiver, (6) after
31 judgment or decree to carry the judgment into execution, to dispose of

1 the property according to the decree or judgment, or to preserve it
2 during the pendency of an appeal, (7) in an action under the Foreign-
3 owned Real Estate National Security Act, (8) (7) in all cases provided
4 for by special statutes, and (9) (8) in all other cases when receivers
5 have heretofore been appointed by the usages of courts of equity.

6 Sec. 3. Section 30-2312, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 30-2312 No person is disqualified to take as an heir because he or
9 she or a person through whom he or she claims is or has been an alien
10 except as provided in section 4-107 and under the Foreign-owned Real
11 Estate National Security Act Chapter 76, article 4.

12 Sec. 4. Sections 4 to 20 of this act shall be known and may be
13 cited as the Foreign-owned Real Estate National Security Act.

14 Sec. 5. For purposes of the Foreign-owned Real Estate National
15 Security Act:

16 (1) Nonresident alien means any person who:

17 (a) Is not a citizen of the United States;

18 (b) Is not a national of the United States;

19 (c) Is not a lawful permanent resident of the United States; and

20 (d) Has not been physically present in the United States for at
21 least one hundred eighty-three days during a three-year period that
22 includes the current year and the two years immediately preceding the
23 current year; and

24 (2) Restricted entity means:

25 (a) Any person or entity identified on the sanctions lists
26 maintained by the Office of Foreign Assets Control of the United States
27 Department of the Treasury as such sanctions lists existed on the
28 operative date of this act; or

29 (b) Any person or foreign government or entity determined by the
30 United States Secretary of Commerce to have engaged in a long-term
31 pattern or serious instances of conduct significantly adverse to the

1 national security of the United States pursuant to 15 C.F.R. 7.4, as such
2 regulation existed on the operative date of this act.

3 Sec. 6. Section 76-402, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~76-402~~ (1) Except as provided in the Foreign-owned Real Estate
6 National Security Act, a nonresident alien, a foreign corporation, a
7 government other than the United States Government or a government of its
8 states, political subdivisions, territories, or possessions, or an agent,
9 a trustee, or a fiduciary thereof:

10 (a) Shall not purchase, acquire title to, or take Aliens and
11 corporations not incorporated under the laws of the State of Nebraska are
12 prohibited from acquiring title to or taking or holding any land, or real
13 estate, or any leasehold interest extending for a period for more than
14 five years or any other greater interest less than fee in any land, or
15 real estate in this state by descent, devise, purchase or otherwise on or
16 after the operative date of this act, except as provided in the Foreign-
17 owned Real Estate National Security Act; and sections 76-403 to 76-405.

18 (b) Shall be in compliance with the federal Agricultural Foreign
19 Investment Disclosure Act of 1978, 7 U.S.C. 3501 et seq., with respect to
20 any real estate in Nebraska.

21 (2) Except as provided in the Foreign-owned Real Estate National
22 Security Act, a restricted entity, a nonresident alien, a foreign
23 corporation, a government other than the United States Government or a
24 government of its states, political subdivisions, territories, or
25 possessions, or an agent, a trustee, or a fiduciary thereof, that on or
26 after the operative date of this act purchases, acquires title to, or
27 takes any real estate or any leasehold interest in violation of the
28 Foreign-owned Real Estate National Security Act shall be subject to
29 divestment as prescribed under section 15 of this act.

30 Sec. 7. Section 76-404, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 ~~76-404~~ (1) Except as provided in subsection (2) of this section,
2 corporations ~~Corporations~~ incorporated under the laws of the United
3 States of America, or under the laws of any state of the United States of
4 America, or any foreign corporation or any nonresident alien, doing
5 business in this state, may acquire, own, hold, or operate leases for
6 oil, gas, or other hydrocarbon substances, for a period as long as ten
7 years and as long thereafter as oil, gas, or other hydrocarbon substances
8 shall or can be produced in commercial quantities.

9 (2) Subsection (1) of this section shall not apply to a restricted
10 entity or an agent, trustee, or fiduciary thereof. A restricted entity
11 that violates subsection (1) of this section shall be in violation of the
12 Foreign-owned Real Estate National Security Act and subject to divestment
13 as prescribed under section 15 of this act.

14 Sec. 8. Section 76-405, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~76-405~~ Any nonresident ~~resident~~ alien may acquire title to lands in
17 this state by devise or descent only, except that provided such
18 nonresident alien shall be required to sell and convey such ~~said~~ real
19 estate property within five years after ~~from~~ the date of acquiring it,
20 and if the nonresident alien fails ~~he shall fail~~ to dispose of it to a
21 bona fide purchaser for value within such ~~that~~ time, the nonresident
22 alien ~~it~~ shall be in violation of the Foreign-owned Real Estate National
23 Security Act and the real estate shall be subject to divestment as
24 prescribed in section 15 of this act ~~revert and escheat to the State of~~
25 ~~Nebraska.~~ If a person no longer meets the definition of nonresident alien
26 within five years of acquiring title to real estate by devise or descent,
27 such person shall not be required to dispose or divest of the property.

28 Sec. 9. Section 76-406, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 ~~76-406~~ No corporation organized under the laws of this state and no
31 corporation organized under the laws of any other state or country, doing

1 business in this state, which was organized to hold or is holding real
2 estate, except as provided in the Foreign-owned Real Estate National
3 Security Act sections 76-404 and 76-412 to 76-414, shall elect
4 nonresident aliens as members of its board of directors or board of
5 trustees in a number sufficient to constitute a majority of such board,
6 nor elect nonresident aliens as executive officers or managers nor have a
7 majority of its capital stock owned by nonresident aliens.

8 Sec. 10. Section 76-407, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 ~~76-407~~ Any such corporation described in section 9 of this act
11 violating such the provisions of section 76-406 shall be construed and
12 held to be a nonresident an alien and within the provisions of the
13 Foreign-owned Real Estate National Security Act sections 76-401 to 76-415
14 applicable to nonresident aliens alien persons. Any such domestic
15 corporation violating the provisions of section 9 of this act 76-406
16 shall forfeit its charter and be dissolved. Any such foreign corporation
17 violating the provisions of said section 9 of this act shall forfeit its
18 right to do business in the State of Nebraska.

19 Sec. 11. Section 76-412, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~76-412~~ (1) Except as provided in subsection (2) of this section,
22 the The provisions of sections 6, 9, and 10 of this act 76-402, 76-406,
23 76-407 and 76-411 shall not apply to the real estate necessary for the
24 construction and operation of railroads, public utilities, and common
25 carriers.

26 (2) Subsection (1) of this section shall not apply to a restricted
27 entity or an agent, trustee, or fiduciary thereof. A restricted entity
28 that violates subsection (1) of this section shall be in violation of the
29 Foreign-owned Real Estate National Security Act and subject to divestment
30 as prescribed under section 15 of this act.

31 Sec. 12. Section 76-413, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~76-413~~ (1) Except as provided in subsection (2) of this section,
3 any nonresident Any alien, or foreign corporation, government other than
4 the United States Government or a government of its states, political
5 subdivisions, territories, or possessions, or agent, trustee, or
6 fiduciary thereof:

7 (a) May may purchase, acquire, and hold title to, or be a lessor or
8 lessee of as much real estate as shall be necessary for the purpose of
9 (i) (1) erecting on such real estate thereon manufacturing or industrial
10 establishments, and in addition thereto such real estate as may be
11 required for facilities incidental to such establishments, or (ii) (2)
12 erecting and maintaining establishments primarily operated for the
13 storage, sale, and distribution of petroleum products or hydrocarbon
14 substances, commonly known as filling stations or bulk stations; and -

15 (b) Shall not expand establishments or facilities purchased,
16 acquired, held, or leased pursuant to subdivision (1)(a) of this section
17 or build new such establishments or facilities if a restricted entity or
18 an agent, trustee, or fiduciary thereof.

19 (2) A restricted entity, or an agent, trustee, or fiduciary thereof,
20 shall not purchase, acquire, hold title to, or be a lessor or lessee of
21 real estate pursuant to subdivision (1)(a) of this section unless such
22 restricted entity has a national security agreement with the Committee on
23 Foreign Investment in the United States as of the operative date of this
24 act, maintains such national security agreement, and certifies the
25 validity of such national security agreement annually to the Department
26 of Agriculture within thirty days after the operative date of this act
27 and on or before January 15 of each year thereafter.

28 (3) A restricted entity that violates this section shall be in
29 violation of the Foreign-owned Real Estate National Security Act and
30 subject to divestment as prescribed under section 15 of this act.

31 Sec. 13. Section 76-414, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~76-414~~ (1) Except as provided in subsection (2) of this section,
3 the provisions of the Foreign-owned Real Estate National Security Act
4 sections 76-402 to 76-413 shall not apply to any real estate lying within
5 the corporate limits of cities and villages, or within three miles of
6 such corporate limits thereof, nor to any manufacturing or industrial
7 establishment described referred to in section 12 of this act 76-413.

8 (2) A restricted entity, or an agent, trustee, or fiduciary thereof,
9 that purchases, acquires, holds title to, or is the lessor or lessee of
10 any real estate lying within the corporate limits of cities and villages,
11 or within three miles of such corporate limits, or any manufacturing or
12 industrial establishment described in section 12 of this act shall be
13 subject to sections 6 and 12 of this act. A restricted entity that
14 violates this subsection shall be subject to divestment as prescribed
15 under section 15 of this act.

16 Sec. 14. (1) The Attorney General shall establish a process by
17 which any person may submit information or concerns to the Attorney
18 General regarding real estate transactions in Nebraska.

19 (2) The Attorney General may submit a report concerning real estate
20 transactions that the Attorney General has identified in Nebraska to the
21 Committee on Foreign Investment in the United States.

22 (3) The Attorney General shall (a) retain a copy of any documents
23 submitted to the Committee on Foreign Investment in the United States
24 that are included with any report submitted under subsection (2) of this
25 section and (b) notify the Legislature and the Governor as soon as
26 practicable after submitting such report and included documents to the
27 Committee on Foreign Investment in the United States.

28 Sec. 15. (1) Any person may notify the Department of Agriculture or
29 the Attorney General of a violation or potential violation of the
30 Foreign-owned Real Estate National Security Act.

31 (2) The Department of Agriculture shall investigate violations of

1 the Foreign-owned Real Estate National Security Act. If the Director of
2 Agriculture has reasonable suspicion to believe that a violation of the
3 act has occurred, the director shall refer the suspected violation to the
4 Attorney General or outside counsel retained by the Department of
5 Agriculture for enforcement.

6 (3) The Attorney General or retained outside counsel, upon a
7 referral by the Director of Agriculture or upon the receipt of any
8 information from any person that gives the Attorney General or retained
9 counsel reasonable suspicion to believe that a violation of the Foreign-
10 owned Real Estate National Security Act has occurred, may issue subpoenas
11 requiring the appearance of witnesses, the production of documents, and
12 the giving of relevant testimony. Service of any subpoena shall be made
13 in the same manner as a subpoena issued by any court in this state.

14 (4)(a) After investigation, if the Attorney General or retained
15 outside counsel believes that a violation of the Foreign-owned Real
16 Estate National Security Act has occurred, the Attorney General or
17 retained outside counsel shall notify any restricted entity believed to
18 be committing such violation that such entity may voluntarily divest any
19 interest in real estate that is the subject of the violation.

20 (b) The restricted entity shall indicate to the Attorney General or
21 retained outside counsel whether such entity is voluntarily divesting any
22 interest in real estate that is the subject of the violation within
23 thirty days of receiving the notice under subdivision (4)(a) of this
24 section.

25 (c) If the restricted entity indicates that it is voluntarily
26 divesting any interest in real estate that is the subject of the
27 violation, the restricted entity shall be entitled to a grace period of
28 one hundred eighty days to voluntarily divest the interest.

29 (d) The grace period of one hundred eighty days shall begin upon the
30 end of the thirty-day period under subdivision (4)(b) of this section.

31 (e) The restricted entity shall not sell or otherwise transfer the

1 real estate to a person or entity prohibited under the act. A restricted
2 entity who violates this subdivision shall be subject to a civil penalty
3 not to exceed fifty thousand dollars per parcel of real estate sold or
4 otherwise transferred to a person or entity prohibited under the act.

5 (5) The Attorney General or retained outside counsel shall commence
6 an action in either the district court in the county in which all or part
7 of the real estate is located or in the district court of Lancaster
8 County if:

9 (a) The restricted entity fails to indicate to the Attorney General
10 or retained outside counsel that the entity is voluntarily divesting any
11 interest in real estate that is the subject of the violation within the
12 thirty-day period under subdivision (4)(b) of this section; or

13 (b) The restricted entity fails to voluntarily divest any interest
14 in the real estate that is the subject of the violation within the grace
15 period of one hundred eighty days.

16 (6) Upon commencement of an action under this section, the Attorney
17 General or retained counsel shall:

18 (a) Promptly record a notice of the pendency of the action in
19 records with the register of deeds in each county in which all or part of
20 the real estate is located; and

21 (b) Serve a copy of the petition by service of process in the same
22 manner as in civil cases as follows on:

23 (i) The owner of the real estate if the owner's address is known;

24 (ii) Any secured party who has registered or filed a lien, mortgage,
25 or trust deed against the real estate or filed a financing statement
26 against the real estate as provided by law if the identity of the secured
27 party can be ascertained by the entity filing the petition by making a
28 good faith effort to ascertain the identity of the secured party;

29 (iii) Any other bona fide lienholder or secured party or other
30 person holding an interest in the real estate if such party is known; and

31 (iv) Any person residing on the real estate subject to divestment at

1 the time the petition is filed.

2 (7) The court shall have power to hear and determine the questions
3 presented in such case and to declare such real estate to be divested.
4 The burden is on the state to prove by clear and convincing evidence that
5 the real estate is subject to divestment under the Foreign-owned Real
6 Estate National Security Act. If the court finds that the real estate
7 that is the subject of an action commenced under the act was purchased,
8 acquired, taken, or held in violation of the act, the court shall enter
9 an order that:

10 (a) States the findings of the court;

11 (b) Orders the divestment of the interest in the real estate of the
12 person or entity that violated the act;

13 (c) Notifies the Governor that the title to such real estate is
14 ordered divested by the decree of the court;

15 (d) Orders the Attorney General or retained outside counsel to
16 promptly record a copy of such divestment order with the register of
17 deeds of each county in which all or part of the real estate is located;

18 (e) Appoints a receiver subject to sections 25-1081 to 25-1092 to
19 manage and control the real estate through the final disposition of the
20 real estate; and

21 (f) Authorizes the proceeds of the divestment to be disbursed in the
22 following order:

23 (i) The payment of any taxes and assessments due;

24 (ii) The payment of court costs related to the action or actions
25 commenced under the Foreign-owned Real Estate National Security Act;

26 (iii) The payment of authorized costs of the sale, including all
27 approved fees and pending sale expenses and expenses of the referee;

28 (iv) Reimbursement of investigation and litigation costs and
29 expenses, in an amount approved by the court, to the Attorney General or
30 retained outside counsel;

31 (v) Payment to bona fide lienholders of the real estate, in order of

1 lien priority, except for liens which under the terms of the divestment
2 are to remain on the real estate; and

3 (vi) Remittance of any remaining proceeds to the State Treasurer for
4 distribution in accordance with Article VII, section 5, of the
5 Constitution of Nebraska.

6 (8) If the interest is a lease, easement, or interest other than fee
7 title, the court shall have power to declare such interest terminated.

8 (9) If the respondent fails to answer or appear for the action
9 commenced pursuant to this section, the court may enter default judgment.

10 Sec. 16. The receiver shall sell any real estate ordered to be
11 divested pursuant to section 15 of this act at public auction no later
12 than one year after the date such divestment is ordered by the court. The
13 receiver shall execute the sale of the real estate in the manner provided
14 for in the Nebraska Trust Deeds Act. The purchaser at any sale conducted
15 by the receiver pursuant to the Foreign-owned Real Estate National
16 Security Act shall receive title to the real estate purchased, free from
17 all claims of the owner or prior holder thereof and of all persons
18 claiming through or under the owner or prior holder. The receiver shall
19 execute all documents necessary to complete the transfer of title.

20 Sec. 17. No title to an interest in real estate shall be invalid,
21 voided, or subject to divestiture by reason of a violation of the
22 Foreign-owned Real Estate National Security Act by any former owner or
23 other person who held a former interest in such real estate.

24 Sec. 18. Nothing in the Foreign-owned Real Estate National Security
25 Act shall be construed to require any person or entity to determine or
26 inquire whether another person or entity is subject to or in violation of
27 the act, and such person or entity shall bear no civil or criminal
28 liability under the act for the failure to make such determination or
29 inquiry. The Attorney General, retained outside counsel, and Director of
30 Agriculture are responsible for determining whether a person or entity is
31 subject to or in violation of the act.

1 Sec. 19. Any penalties collected pursuant to the Foreign-owned Real
2 Estate National Security Act shall be remitted to the State Treasurer for
3 distribution in accordance with Article VII, section 5, of the
4 Constitution of Nebraska.

5 Sec. 20. The Director of Agriculture and the Attorney General may
6 adopt and promulgate rules and regulations necessary to carry out the
7 Foreign-owned Real Estate National Security Act.

8 Sec. 21. Section 81-201, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 81-201 The Department of Agriculture shall have power (1) to
11 encourage and promote, in every practicable manner, the interest of
12 agriculture; (2) to promote methods of conducting the industry of
13 agriculture with a view to increasing the production and facilitating the
14 distribution thereof at the least cost; (3) to collect and publish
15 statistics relating to the production and marketing of agricultural
16 products, so far as such statistical information may be of value to the
17 agricultural and allied interests of the state, and to cooperate with the
18 federal government in the matter of collecting and publishing such
19 statistical information; (4) to publish and distribute the Weeds of the
20 Great Plains book and supplemental inserts thereto, for sale and
21 distribution to the public. All money collected from the sale of the
22 publications shall be remitted to the State Treasurer and credited as
23 provided in section 81-201.05; (5) to inquire into the causes of
24 contagious, infectious, and communicable diseases among domestic animals
25 and the means for the prevention and cure of the same; (6) to execute and
26 enforce all laws relating to matters within its jurisdiction and to adopt
27 necessary rules and regulations for the administration and enforcement of
28 such laws; (7) to employ special investigators who shall be appointed
29 deputy state sheriffs by the Governor and who shall, upon qualifying for
30 such office, possess all the powers which attach to such office, except
31 that their powers and duties shall be restricted to the enforcement of

1 the laws of the State of Nebraska within the jurisdiction of the
2 Department of Agriculture; ~~and~~ (8) to perform laboratory testing services
3 as provided in section 81-2,293; and (9) to enforce the Foreign-owned
4 Real Estate National Security Act.

5 Sec. 22. Section 84-205, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 84-205 The duties of the Attorney General shall be:

8 (1) To appear and defend actions and claims against the state;

9 (2) To investigate, commence, and prosecute any and all actions
10 resulting from violations of sections 32-1401 to 32-1417;

11 (3) To consult with and advise the county attorneys, when requested
12 by them, in all criminal matters and in matters relating to the public
13 revenue. He or she shall have authority to require aid and assistance of
14 the county attorney in all matters pertaining to the duties of the
15 Attorney General in the county of such county attorney and may, in any
16 case brought to the Court of Appeals or Supreme Court from any county,
17 demand and receive the assistance of the county attorney from whose
18 county such case is brought;

19 (4) To give, when required, without fee, his or her opinion in
20 writing upon all questions of law submitted to him or her by the
21 Governor, head of any executive department, Secretary of State, State
22 Treasurer, Auditor of Public Accounts, Board of Educational Lands and
23 Funds, State Department of Education, Public Service Commission, or
24 Legislature;

25 (5) At the request of the Governor, head of any executive
26 department, Secretary of State, State Treasurer, Auditor of Public
27 Accounts, Board of Educational Lands and Funds, State Department of
28 Education, or Public Service Commission, to prosecute any official bond
29 or any contract in which the state is interested which is deposited with
30 any of them and to prosecute or defend for the state all civil or
31 criminal actions and proceedings relating to any matter connected with

1 any of such officers' departments if, after investigation, he or she is
2 convinced there is sufficient legal merit to justify the proceeding. Such
3 officers shall not pay or contract to pay from the funds of the state any
4 money for special attorneys or counselors-at-law unless the employment of
5 such special counsel is made upon the written authorization of the
6 Governor or the Attorney General;

7 (6) To enforce the proper application of money appropriated by the
8 Legislature to the various funds of the state and prosecute breaches of
9 trust in the administration of such funds;

10 (7) To prepare, when requested by the Governor, Secretary of State,
11 State Treasurer, or Auditor of Public Accounts or any other executive
12 department, proper drafts for contracts, forms, or other writings which
13 may be wanted for the use of the state and report to the Legislature,
14 whenever requested, upon any business pertaining to the duties of his or
15 her office. The report submitted to the Legislature shall be submitted
16 electronically;

17 (8) To pay all money received, belonging to the people of the state,
18 immediately upon receipt thereof, into the state treasury;

19 (9) To keep a record in proper books provided for that purpose at
20 the expense of the state, a register of all actions and demands
21 prosecuted or defended by him or her in behalf of the state and all
22 proceedings had in relation thereto, and deliver the same to his or her
23 successor in office;

24 (10) To appear for the state and prosecute and defend all civil or
25 criminal actions and proceedings in the Court of Appeals or Supreme Court
26 in which the state is interested or a party. When requested by the
27 Governor or the Legislature, the Attorney General shall appear for the
28 state and prosecute or defend any action or conduct any investigation in
29 which the state is interested or a party before any court, officer,
30 board, tribunal, or commission;

31 (11) To prepare and promulgate model rules of procedure appropriate

1 for use by as many agencies as possible. The Attorney General shall add
2 to, amend, or revise the model rules as necessary for the proper guidance
3 of agencies;

4 (12) To include within the budget of the office sufficient funding
5 to assure oversight and representation of the State of Nebraska for
6 district court appeals of administrative license revocation proceedings
7 under section 60-498.04; ~~and~~

8 ~~(13)(a) (13)~~ To create a Child Protection Division to be staffed by
9 at least three assistant attorneys general who each have five or more
10 years of experience in the prosecution or defense of felonies or
11 misdemeanors, including two years in the prosecution or defense of crimes
12 against children. Upon the written request of a county attorney, the
13 division shall provide consultation and advise and assist in the
14 preparation of the trial of any case involving a crime against a child,
15 including, but not limited to, the following offenses:

16 ~~(i) (a)~~ Murder as defined in sections 28-303 and 28-304;

17 ~~(ii) (b)~~ Manslaughter as defined in section 28-305;

18 ~~(iii) (c)~~ Kidnapping as defined in section 28-313;

19 ~~(iv) (d)~~ False imprisonment as defined in sections 28-314 and
20 28-315;

21 ~~(v) (e)~~ Child abuse as defined in section 28-707;

22 ~~(vi) (f)~~ Pandering as defined in section 28-802;

23 ~~(vii) (g)~~ Debauching a minor as defined in section 28-805; and

24 ~~(viii) (h)~~ Offenses listed in sections 28-813, 28-813.01, and
25 28-1463.03.

26 ~~(b)~~ Any offense listed in subdivisions ~~(13)(a)(i) (a)~~ through ~~(viii)~~
27 ~~(h)~~ of this section ~~subdivision~~ shall include all inchoate offenses
28 pursuant to the Nebraska Criminal Code and compounding a felony pursuant
29 to section 28-301. Such crimes shall not include matters involving
30 dependent and neglected children, infraction violations, custody,
31 parenting time, visitation, or other access matters, or child support. If

1 the county attorney declines in writing to prosecute a case involving a
2 crime against a child because of an ethical consideration, including the
3 presence or appearance of a conflict of interest, or for any other
4 reason, the division shall, upon the receipt of a written request of the
5 county attorney, the Department of Health and Human Services, the minor
6 child, the parents of the minor child, or any other interested party,
7 investigate the matter and either decline to prosecute the matter or
8 initiate the appropriate criminal proceedings in a court of proper
9 jurisdiction.

10 (c) For purposes of this subdivision (13), child or children shall
11 mean an individual or individuals sixteen years of age or younger; and -

12 (14) To enforce the Foreign-owned Real Estate National Security Act.

13 Sec. 23. This act becomes operative on January 1, 2025.

14 Sec. 24. If any section in this act or any part of any section is
15 declared invalid or unconstitutional, the declaration shall not affect
16 the validity or constitutionality of the remaining portions.

17 Sec. 25. Original sections 4-107, 25-1081, 30-2312, 76-402, 76-404,
18 76-405, 76-406, 76-407, 76-412, 76-413, 76-414, 81-201, and 84-205,
19 Reissue Revised Statutes of Nebraska, are repealed.

20 Sec. 26. The following sections are outright repealed: Sections
21 76-403, 76-408, 76-409, 76-410, 76-411, and 76-415, Reissue Revised
22 Statutes of Nebraska.