

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1120

Hearing Date: Monday February 12, 2024
Committee On: Banking, Commerce and Insurance
Introducer: Hardin
One Liner: Require affidavits for certain purchases of real property near military installations

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

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

Testimony:

Proponents:
Senator Brian Hardin

Representing:
Opening Presenter

Opponents:
Jon Cannon
Sam Cooper

Representing:
NACO
Nebraska Land Title Association

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 1120 is a bill that would add one (1) new statute to our existing real property related statutes, and would amend Neb. Rev. Stat. § 76-903, a statute that tasks the Nebraska Tax Commissioner with certain document tax stamp duties. The bill seeks to protect land within a restricted zone of a 10-mile radius around military installations from being purchased by an individual or individuals affiliated with foreign adversaries.

On January 16, 2024, Senator Hardin designated this bill his priority bill.

Section-by-Section Summary:

Section 1: Would create a new statute. Section 1 is broken down into four (4) subsections which do the following:



Subsection (1) defines the terms “military installation” and “restricted area” as those terms are used in Section 1.

Subsection (2) states that whenever there is a conveyance of real property located in a restricted area, the purchaser of the property must complete and sign an affidavit stating that such purchaser is not affiliated with any foreign government or nongovernment person determined to be a foreign adversary pursuant to 15 C.F.R. 7.4.

Subsection (3) states that the affidavit shall be submitted to the register of deeds of the county in which the real property is located. The register of deeds shall not record any instrument reflecting the conveyance of such real property until he or she has received such an affidavit.

Subsection (4) states that any person who swears falsely on such an affidavit will be guilty of a violation of section 28-915.01, a statute that criminalizes false statements under our criminal code.

Section 2: Amends Section 76-903 to place a duty upon the Nebraska Tax Commissioner to design a form to be used by the register of deeds for purposes of computing a deed document stamp tax. It also requires that the form include a question asking whether the affidavit described in Section 1 is required for the transfer and, if so, whether such affidavit has been completed.

Section 3: Repeals the statute amended.

Explanation of amendments:

AM 2519 amends LB 1120 in the following ways:

The term “restricted area” is removed and replaced with the term “covered real estate”, which is then defined in the amendment.

The term “military installation” is removed.

Example affidavit language that must be included in the affidavit is added, as well as a requirement that a copy of a completed affidavit be sent by the register of deeds to the Attorney General.

Changes to 76-903 are removed from LB 1120 and replaced with changes to 76-214 instead. 76-214, the section of Nebraska law that created Real Estate Transfer Statement, Form 521, is amended to require that Form 521 have a section added that inquires as to whether an affidavit required by Section 1 of LB 1120 needs to be completed and if it has been completed.

Julie Slama, Chairperson

