

AMENDMENTS TO LB7

(Amendments to Standing Committee Amendments, AM77)

Introduced by DeKay, 40.

1           1. Strike amendments 1 to 4 and insert the following new amendment:

2           1. Strike the original sections and all amendments thereto and  
3 insert the following new sections:

4           **Section 1.** Section 76-2,141, Revised Statutes Cumulative Supplement,  
5 2024, is amended to read:

6           76-2,141 (1) For purposes of this section, covered real estate means  
7 real estate described in 31 C.F.R. 802.211(b)(3), as such regulation  
8 existed on January 1, 2025.

9           (2) Whenever there is a conveyance of covered real estate, the  
10 purchaser of the real estate shall complete and sign an affidavit stating  
11 that such purchaser is not affiliated with any foreign government or  
12 nongovernment person determined to be a foreign adversary pursuant to 15  
13 C.F.R. 791.4, as such regulation existed on February 7, 2025 7-4.

14           (3) The affidavit shall be submitted to the register of deeds of the  
15 county in which the covered real estate is located. The register of deeds  
16 shall not record any instrument reflecting the conveyance of such real  
17 estate until he or she has received such affidavit. The register of deeds  
18 shall send a copy of the affidavit to the Attorney General.

19           (4) Any person who swears falsely on such an affidavit shall be  
20 guilty of a violation of section 28-915.01.

21           (5) The responsibility for determining whether an affidavit is  
22 required under this section rests solely with the purchaser, and no  
23 individual or entity other than the purchaser shall bear any civil or  
24 criminal liability under this section. A violation of this section shall  
25 not make any title or interest in land invalid or unmarketable.

26           (6) The affidavit required under this section shall be in

1 substantially the following form:

2 STATE OF NEBRASKA )

3 )ss.

4 COUNTY OF ..... )

5 I, ..... (Purchaser), certify under penalty of perjury  
6 that I am not affiliated with any foreign government or nongovernment  
7 person determined to be a foreign adversary pursuant to 15 C.F.R. 791.4,  
8 as such regulation existed on February 7, 2025 7-4.

9 ..... ..

10 Signature of Purchaser Date

11 **Sec. 2.** Section 76-3702, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 76-3702 For purposes of the Foreign-owned Real Estate National  
14 Security Act:

15 (1) Foreign corporation means a corporation incorporated under the  
16 laws of a jurisdiction outside of the United States that would be a  
17 business corporation if incorporated under the laws of this state. A  
18 corporation incorporated in any state or territory of the United States  
19 or territory of any Indian tribe of the United States is not a foreign  
20 corporation;

21 (2) Foreign government means a government other than the federal  
22 government of the United States, the government of any territory or  
23 possession of the United States, or the government of any state,  
24 political subdivision of a state, or Indian tribe;

25 (3) Indian tribe means an Indian tribe or band which is recognized  
26 by federal law or formally acknowledged by the state;

27 (4) ~~(1)~~ Nonresident alien means any human being person who:

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

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

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

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

5 (5) Person means a human being, corporation, business trust, estate,  
6 trust, partnership, limited liability company, association, joint  
7 venture, agency, or instrumentality, or any other legal or commercial  
8 entity; and

9 (6) (2) Restricted entity means:

10 (a) Any person ~~or entity~~ identified on the sanctions lists  
11 maintained by the Office of Foreign Assets Control of the United States  
12 Department of the Treasury as such sanctions lists existed on January 1,  
13 2025; or

14 (b) Any person or foreign government ~~or entity~~ determined by the  
15 United States Secretary of Commerce to have engaged in a long-term  
16 pattern or serious instances of conduct significantly adverse to the  
17 national security of the United States pursuant to 15 C.F.R. 791.4 ~~7.4~~,  
18 as such regulation existed on February 7 ~~January 1~~, 2025.

19 **Sec. 3.** Section 76-3703, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:

21 76-3703 (1) Except as provided in the Foreign-owned Real Estate  
22 National Security Act, a nonresident alien, a foreign corporation, or  
23 foreign 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:

26 (a) Shall not purchase, acquire title to, or take any real estate or  
27 any leasehold interest extending for a period for more than five years or  
28 any other greater interest less than fee in any real estate in this state  
29 by descent, devise, purchase or otherwise on or after January 1, 2025 ~~7~~  
30 ~~except as provided in the Foreign-owned Real Estate National Security~~  
31 ~~Act~~; and

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

4 (2) Except as provided in the Foreign-owned Real Estate National  
5 Security Act, a restricted entity, a nonresident alien, a foreign  
6 corporation, foreign a government ~~other than the United States Government~~  
7 ~~or a government of its states, political subdivisions, territories, or~~  
8 ~~possessions~~, or an agent, a trustee, or a fiduciary thereof, who ~~that~~ on  
9 or after January 1, 2025, purchases, acquires title to, or takes any real  
10 estate or any leasehold interest in violation of the Foreign-owned Real  
11 Estate National Security Act shall be subject to divestment as prescribed  
12 under section 76-3712.

13 (3) Any person, nonresident alien, foreign corporation, or foreign  
14 government, or agent, trustee, or fiduciary thereof, of an excepted real  
15 estate foreign state as determined by the Committee on Foreign Investment  
16 in the United States pursuant to 31 C.F.R. 802.1001(a) and 802.214, as  
17 such regulations existed on January 1, 2025, is exempt from the Foreign-  
18 owned Real Estate National Security Act except for any restricted entity,  
19 or agent, trustee, or fiduciary thereof.

20 **Sec. 4.** Section 76-3704, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 76-3704 (1) Except as provided in subsection (2) of this section,  
23 corporations incorporated under the laws of the United States of America,  
24 or under the laws of any state of the United States of America, or any  
25 foreign corporation or any nonresident alien, doing business in this  
26 state, may acquire, own, hold, or operate leases for oil, gas, or other  
27 hydrocarbon substances, for a period as long as ten years and as long  
28 thereafter as oil, gas, or other hydrocarbon substances shall or can be  
29 produced in commercial quantities.

30 (2) ~~A Subsection (1) of this section shall not apply to a restricted~~  
31 entity or an agent, trustee, or fiduciary thereof may not acquire, own,

1 hold, or operate leases for oil, gas, or other hydrocarbon substances  
2 pursuant to subsection (1) of this section. A restricted entity, or an  
3 agent, trustee, or fiduciary thereof, who that violates this section  
4 ~~subsection (1) of this section~~ shall be in violation of the Foreign-owned  
5 Real Estate National Security Act and subject to divestment as prescribed  
6 under section 76-3712.

7 **Sec. 5.** Section 76-3708, Revised Statutes Cumulative Supplement,  
8 2024, is amended to read:

9 76-3708 (1) Except as provided in subsection (2) of this section,  
10 the provisions of sections 76-3703, 76-3706, and 76-3707 shall not apply  
11 to the real estate necessary for the construction and operation of  
12 railroads, public utilities, and common carriers.

13 (2) The provisions of sections 76-3703, 76-3706, and 76-3707  
14 ~~Subsection (1) of this section~~ shall ~~not~~ apply to the real estate of a  
15 restricted entity or an agent, trustee, or fiduciary thereof. A  
16 restricted entity, or an agent, trustee, or fiduciary thereof, who that  
17 violates this section ~~subsection (1) of this section~~ shall be in  
18 violation of the Foreign-owned Real Estate National Security Act and  
19 subject to divestment as prescribed under section 76-3712.

20 **Sec. 6.** Section 76-3709, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 76-3709 (1) Except as provided in subsection (2) of this section,  
23 any nonresident alien, foreign corporation, or foreign government other  
24 ~~than the United States Government or a government of its states,~~  
25 ~~political subdivisions, territories, or possessions,~~ or an agent,  
26 trustee, or fiduciary thereof:

27 (a) May purchase, acquire, hold title to, or be a lessor or lessee  
28 of as much real estate as shall be necessary for the purpose of (i)  
29 erecting on such real estate manufacturing or industrial establishments,  
30 and in addition thereto such real estate as may be required for  
31 facilities incidental to such establishments, or (ii) erecting and

1 maintaining establishments primarily operated for the storage, sale, and  
2 distribution of petroleum products or hydrocarbon substances, commonly  
3 known as filling stations or bulk stations; and

4 (b) Shall not expand establishments or facilities purchased,  
5 acquired, held, or leased pursuant to subdivision (1)(a) of this section  
6 or build new such establishments or facilities if such nonresident alien,  
7 foreign corporation, or foreign government is a restricted entity, or an  
8 agent, trustee, or fiduciary thereof.

9 (2)(a) ~~(2)~~ A restricted entity, or an agent, trustee, or fiduciary  
10 thereof, shall not purchase, acquire, hold title to, or be a lessor or  
11 lessee of real estate pursuant to subdivision (1)(a) of this section  
12 unless such restricted entity, or an agent, trustee, or fiduciary  
13 thereof, has received: has a national security agreement with the  
14 Committee on Foreign Investment in the United States as of January 1,  
15 2025, maintains such national security agreement, and certifies the  
16 validity of such national security agreement annually to the Department  
17 of Agriculture within thirty days after January 1, 2025, and on or before  
18 January 15 of each year thereafter.

19 (i) A determination from the Committee on Foreign Investment in the  
20 United States that there are no unresolved national security concerns  
21 with respect to the real estate transaction and such restricted entity  
22 has not undergone a change in control constituting a covered control  
23 transaction, as defined in 31 C.F.R. 800.210, as such regulation existed  
24 on January 1, 2025, since such determination; or

25 (ii) A national security agreement with the Committee on Foreign  
26 Investment in the United States and maintains the validity of such  
27 national security agreement.

28 (b) A restricted entity, or an agent, trustee, or fiduciary thereof,  
29 who complies with the requirements of subdivision (2)(a)(i) or (ii) of  
30 this section shall annually certify such compliance to the Department of  
31 Agriculture on or before January 15, 2026, and on or before January 15 of

1 each year thereafter.

2 (3) A restricted entity, or an agent, trustee, or fiduciary thereof,  
3 who that violates this section shall be in violation of the Foreign-owned  
4 Real Estate National Security Act and subject to divestment as prescribed  
5 under section 76-3712.

6 **Sec. 7.** Section 76-3710, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 76-3710 (1) Except as provided in subsection (2) of this section,  
9 the provisions of the Foreign-owned Real Estate National Security Act  
10 shall not apply to any real estate lying within the corporate limits of  
11 cities and villages, or within three miles of such corporate limits, nor  
12 to any manufacturing or industrial establishment described in section  
13 76-3709.

14 (2) A restricted entity, or an agent, trustee, or fiduciary thereof,  
15 who that purchases, acquires, holds title to, or is the lessor or lessee  
16 of any real estate lying within the corporate limits of cities and  
17 villages, or within three miles of such corporate limits, or any  
18 manufacturing or industrial establishment described in section 76-3709  
19 shall be subject to sections 76-3703 and 76-3709. A restricted entity, or  
20 an agent, trustee, or fiduciary thereof, who that violates this  
21 subsection shall be subject to divestment as prescribed under section  
22 76-3712.

23 **Sec. 8.** Section 76-3712, Revised Statutes Cumulative Supplement,  
24 2024, is amended to read:

25 76-3712 (1) Any person may notify the Department of Agriculture or  
26 the Attorney General of a violation or potential violation of the  
27 Foreign-owned Real Estate National Security Act.

28 (2) The Department of Agriculture shall investigate violations of  
29 the Foreign-owned Real Estate National Security Act. If the Director of  
30 Agriculture has reasonable suspicion to believe that a violation of the  
31 act has occurred, the director shall refer the suspected violation to the

1 Attorney General or outside counsel retained by the Department of  
2 Agriculture for enforcement.

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

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

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

24 (c) If the person believed to have committed or to be committing a  
25 violation ~~restricted entity~~ indicates that such person ~~it~~ is voluntarily  
26 divesting the ~~any~~ interest in the ~~real~~ estate that is the subject of the  
27 violation, such person ~~the restricted entity~~ shall be entitled to a grace  
28 period of 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) No person ~~The restricted entity~~ shall ~~not~~ sell or otherwise

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

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

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

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

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

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

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

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

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

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

3 (iv) Any person residing on the real estate subject to divestment at  
4 the time the petition is filed.

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

13 (a) States the findings of the court;

14 (b) Orders the divestment of the interest in the real estate of the  
15 person ~~or entity~~ that violated the act;

16 (c) Orders the Attorney General or retained outside counsel to  
17 promptly notify ~~Notifies~~ the Governor and the Clerk of the Legislature  
18 that the title to such real estate is ordered divested by the decree of  
19 the court;

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

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

26 (f) Authorizes the proceeds of the divestment to be disbursed in the  
27 following order:

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

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

31 (iii) The payment of authorized costs of the sale, including all

1 approved fees and pending sale expenses and expenses of the referee;

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

5 (v) Payment to bona fide lienholders of the real estate, in order of  
6 lien priority, except for liens which under the terms of the divestment  
7 are to remain on the real estate; and

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

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

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

15 **Sec. 9.** Section 76-3715, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 76-3715 Nothing in the Foreign-owned Real Estate National Security  
18 Act shall be construed to require any person ~~or entity~~ to determine or  
19 inquire whether another person ~~or entity~~ is subject to or in violation of  
20 the act, and such person ~~or entity~~ shall bear no civil or criminal  
21 liability under the act for the failure to make such determination or  
22 inquiry. The Attorney General, retained outside counsel, and Director of  
23 Agriculture are responsible for determining whether a person ~~or entity~~ is  
24 subject to or in violation of the act.

25 **Sec. 10.** If any section in this act or any part of any section is  
26 declared invalid or unconstitutional, the declaration shall not affect  
27 the validity or constitutionality of the remaining portions.

28 **Sec. 11.** Original sections 76-2,141, 76-3702, 76-3703, 76-3704,  
29 76-3708, 76-3709, 76-3710, 76-3712, and 76-3715, Revised Statutes  
30 Cumulative Supplement, 2024, are repealed.