

E AND R AMENDMENTS TO LB 1301

Introduced by Ballard, 21, Chairman Enrollment and Review

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

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

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

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

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

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

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

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

4           (3) If such reciprocal rights are not found to exist, the property  
5 shall be delivered to the State Treasurer to be held for a period of five  
6 years from date of death during which time such nonresident alien may  
7 show that he or she has become eligible to receive such property. If at  
8 the end of such period of five years no showing of eligibility is made by  
9 such nonresident alien, his or her rights to such property or proceeds  
10 shall be barred.

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

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

23           (6) All property other than money delivered to the State Treasurer  
24 under this section may within one year after delivery be sold by the  
25 State Treasurer ~~him~~ to the highest bidder at public sale in whatever city  
26 in the state ~~affords~~ in the State Treasurer's ~~his~~ judgment would be the  
27 most favorable market for the property involved. The State Treasurer may  
28 decline the highest bid and reoffer the property for sale if the State  
29 Treasurer ~~he~~ considers the price bid insufficient. The State Treasurer ~~He~~  
30 need not offer any property for sale if, in the State Treasurer's ~~his~~  
31 opinion, the probable cost of sale exceeds the value of the property. Any

1 sale held under this section shall be preceded by a single publication of  
2 notice of such sale ~~thereof~~ at least three weeks in advance of sale in a  
3 ~~an English language~~ newspaper of general circulation in the county where  
4 the property is to be sold and the cost of such publication and other  
5 expenses of sale paid out of the proceeds of such sale. The purchaser at  
6 any sale conducted by the State Treasurer pursuant to this section shall  
7 receive title to the property purchased, free from all claims of the  
8 owner or prior holder of such property ~~thereof~~ and of all persons  
9 claiming through or under such owner or prior holder ~~them~~. The State  
10 Treasurer shall execute all documents necessary to complete the transfer  
11 of title.

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

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

1 appointment of a receiver, (5) in any other case in which a mortgagor or  
2 trustor has agreed in writing to the appointment of a receiver, (6) after  
3 judgment or decree to carry the judgment into execution, to dispose of  
4 the property according to the decree or judgment, or to preserve it  
5 during the pendency of an appeal, (7) in an action under the Foreign-  
6 owned Real Estate National Security Act, (8) ~~(7)~~ in all cases provided  
7 for by special statutes, and (9) ~~(8)~~ in all other cases when receivers  
8 have heretofore been appointed by the usages of courts of equity.

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

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

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

17 Sec. 5. For purposes of the Foreign-owned Real Estate National  
18 Security Act, restricted entity means:

19 (1) Any person or entity identified on the sanctions lists  
20 maintained by the Office of Foreign Assets Control of the United States  
21 Department of the Treasury as such sanctions lists existed on the  
22 operative date of this act; or

23 (2) Any person or foreign government or entity determined by the  
24 United States Secretary of Commerce to have engaged in a long-term  
25 pattern or serious instances of conduct significantly adverse to the  
26 national security of the United States pursuant to 15 C.F.R. 7.4, as such  
27 regulation existed on the operative date of this act.

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

30 ~~76-402~~ (1) A nonresident alien who is not a citizen or national of  
31 the United States, a foreign corporation, a government other than the

1 United States Government or a government of its states, political  
2 subdivisions, territories, or possessions, or an agent, a trustee, or a  
3 fiduciary thereof:

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

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

15 (2) Except as provided in the Foreign-owned Real Estate National  
16 Security Act, a restricted entity, a nonresident alien who is not a  
17 citizen or national of the United States, a foreign corporation, a  
18 government other than the United States Government or a government of its  
19 states, political subdivisions, territories, or possessions, or an agent,  
20 a trustee, or a fiduciary thereof, that on or after the operative date of  
21 this act purchases, acquires title to, or takes any real estate or any  
22 leasehold interest in violation of the Foreign-owned Real Estate National  
23 Security Act shall be subject to divestment as prescribed under section  
24 15 of this act.

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

27 ~~76-404~~ (1) Except as provided in subsection (2) of this section,  
28 corporations ~~Corporations~~ incorporated under the laws of the United  
29 States of America, or under the laws of any state of the United States of  
30 America, or any foreign corporation or any alien, doing business in this  
31 state, may acquire, own, hold, or operate leases for oil, gas, or other

1 hydrocarbon substances, for a period as long as ten years and as long  
2 thereafter as oil, gas, or other hydrocarbon substances shall or can be  
3 produced in commercial quantities.

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

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

11 ~~76-405~~ Any resident alien may acquire title to lands in this state  
12 by devise or descent only, except that provided such alien shall be  
13 required to sell and convey such said real estate property within five  
14 years after from the date of acquiring it, and if the resident alien  
15 fails he shall fail to dispose of it to a bona fide purchaser for value  
16 within such that time, the resident alien it shall be in violation of the  
17 Foreign-owned Real Estate National Security Act and the real estate shall  
18 be subject to divestment as prescribed in section 15 of this act revert  
19 and escheat to the State of Nebraska.

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

22 ~~76-406~~ No corporation organized under the laws of this state and no  
23 corporation organized under the laws of any other state or country, doing  
24 business in this state, which was organized to hold or is holding real  
25 estate, except as provided in the Foreign-owned Real Estate National  
26 Security Act sections 76-404 and 76-412 to 76-414, shall elect aliens as  
27 members of its board of directors or board of trustees in a number  
28 sufficient to constitute a majority of such board, nor elect aliens as  
29 executive officers or managers nor have a majority of its capital stock  
30 owned by aliens.

31 Sec. 10. Section 76-407, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~76-407~~ Any such corporation described in section 9 of this act  
3 violating such the provisions of section 76-406 shall be construed and  
4 held to be an alien and within the provisions of the Foreign-owned Real  
5 Estate National Security Act sections 76-401 to 76-415 applicable to  
6 alien persons. Any such domestic corporation violating ~~the provisions of~~  
7 section 9 of this act 76-406 shall forfeit its charter and be dissolved.  
8 Any such foreign corporation violating ~~the provisions of said section 9~~  
9 of this act shall forfeit its right to do business in the State of  
10 Nebraska.

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

13 ~~76-412~~ (1) Except as provided in subsection (2) of this section,  
14 the The provisions of sections 6, 9, and 10 of this act 76-402, 76-406,  
15 76-407 and 76-411 shall not apply to the real estate necessary for the  
16 construction and operation of railroads, public utilities, and common  
17 carriers.

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

23 Sec. 12. Section 76-413, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 ~~76-413~~ (1) Except as provided in subsection (2) of this section,  
26 any nonresident Any alien who is not a citizen or national of the United  
27 States, or foreign corporation, government other than the United States  
28 Government or a government of its states, political subdivisions,  
29 territories, or possessions, or agent, trustee, or fiduciary thereof:

30 (a) May may purchase, acquire, and hold title to, or be a lessor or  
31 lessee of as much real estate as shall be necessary for the purpose of

1 (i) ~~(1)~~ erecting on such real estate ~~thereon~~ manufacturing or industrial  
2 establishments, and in addition thereto such real estate as may be  
3 required for facilities incidental to such establishments, or ~~(ii) (2)~~  
4 erecting and maintaining establishments primarily operated for the  
5 storage, sale, and distribution of petroleum products or hydrocarbon  
6 substances, commonly known as filling stations or bulk stations; and -

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

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

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

23 Sec. 13. Section 76-414, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 ~~76-414~~ (1) Except as provided in subsection (2) of this section,  
26 the ~~The~~ provisions of the Foreign-owned Real Estate National Security Act  
27 sections ~~76-402 to 76-413~~ shall not apply to any real estate lying within  
28 the corporate limits of cities and villages, or within three miles of  
29 such corporate limits ~~thereof~~, nor to any manufacturing or industrial  
30 establishment ~~described referred to~~ in section 12 of this act ~~76-413~~.

31 (2) A restricted entity, or an agent, trustee, or fiduciary thereof,



1 that purchases, acquires, holds title to, or is the lessor or lessee of  
2 any real estate lying within the corporate limits of cities and villages,  
3 or within three miles of such corporate limits, or any manufacturing or  
4 industrial establishment described in section 12 of this act shall be  
5 subject to sections 6 and 12 of this act. A restricted entity that  
6 violates this subsection shall be subject to divestment as prescribed  
7 under section 15 of this act.

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

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

14       (3) The Attorney General shall (a) retain a copy of any documents  
15 submitted to the Committee on Foreign Investment in the United States  
16 that are included with any report submitted under subsection (2) of this  
17 section and (b) notify the Legislature and the Governor as soon as  
18 practicable after submitting such report and included documents to the  
19 Committee on Foreign Investment in the United States.

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

23       (2) The Department of Agriculture shall investigate violations of  
24 the Foreign-owned Real Estate National Security Act. If the Director of  
25 Agriculture has reasonable suspicion to believe that a violation of the  
26 act has occurred, the director shall refer the suspected violation to the  
27 Attorney General or outside counsel retained by the Department of  
28 Agriculture for enforcement.

29       (3) The Attorney General or retained outside counsel, upon a  
30 referral by the Director of Agriculture or upon the receipt of any  
31 information from any person that gives the Attorney General or retained

1 counsel reasonable suspicion to believe that a violation of the Foreign-  
2 owned Real Estate National Security Act has occurred, may issue subpoenas  
3 requiring the appearance of witnesses, the production of documents, and  
4 the giving of relevant testimony. Service of any subpoena shall be made  
5 in the same manner as a subpoena issued by any court in this state.

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

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

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

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

23 (e) The restricted entity shall not sell or otherwise transfer the  
24 real estate to a person or entity prohibited under the act. A restricted  
25 entity who violates this subdivision shall be subject to a civil penalty  
26 not to exceed fifty thousand dollars per parcel of real estate sold or  
27 otherwise transferred to a person or entity prohibited under the act.

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

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

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

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

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

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

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

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

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

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

25       (7) The court shall have power to hear and determine the questions  
26 presented in such case and to declare such real estate to be divested.  
27 The burden is on the state to prove by clear and convincing evidence that  
28 the real estate is subject to divestment under the Foreign-owned Real  
29 Estate National Security Act. If the court finds that the real estate  
30 that is the subject of an action commenced under the act was purchased,  
31 acquired, taken, or held in violation of the act, the court shall enter

1 an order that:

2 (a) States the findings of the court;

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

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

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

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

13 (f) Authorizes the proceeds of the divestment to be disbursed in the  
14 following order:

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

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

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

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

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

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

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

31 (9) If the respondent fails to answer or appear for the action

1 commenced pursuant to this section, the court may enter default judgment.

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

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

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

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

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

31       Sec. 21. Section 81-201, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-201 The Department of Agriculture shall have power (1) to  
3 encourage and promote, in every practicable manner, the interest of  
4 agriculture; (2) to promote methods of conducting the industry of  
5 agriculture with a view to increasing the production and facilitating the  
6 distribution thereof at the least cost; (3) to collect and publish  
7 statistics relating to the production and marketing of agricultural  
8 products, so far as such statistical information may be of value to the  
9 agricultural and allied interests of the state, and to cooperate with the  
10 federal government in the matter of collecting and publishing such  
11 statistical information; (4) to publish and distribute the Weeds of the  
12 Great Plains book and supplemental inserts thereto, for sale and  
13 distribution to the public. All money collected from the sale of the  
14 publications shall be remitted to the State Treasurer and credited as  
15 provided in section 81-201.05; (5) to inquire into the causes of  
16 contagious, infectious, and communicable diseases among domestic animals  
17 and the means for the prevention and cure of the same; (6) to execute and  
18 enforce all laws relating to matters within its jurisdiction and to adopt  
19 necessary rules and regulations for the administration and enforcement of  
20 such laws; (7) to employ special investigators who shall be appointed  
21 deputy state sheriffs by the Governor and who shall, upon qualifying for  
22 such office, possess all the powers which attach to such office, except  
23 that their powers and duties shall be restricted to the enforcement of  
24 the laws of the State of Nebraska within the jurisdiction of the  
25 Department of Agriculture; ~~and~~ (8) to perform laboratory testing services  
26 as provided in section 81-2,293; and (9) to enforce the Foreign-owned  
27 Real Estate National Security Act.

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

30 84-205 The duties of the Attorney General shall be:

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

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

3           (3) To consult with and advise the county attorneys, when requested  
4 by them, in all criminal matters and in matters relating to the public  
5 revenue. He or she shall have authority to require aid and assistance of  
6 the county attorney in all matters pertaining to the duties of the  
7 Attorney General in the county of such county attorney and may, in any  
8 case brought to the Court of Appeals or Supreme Court from any county,  
9 demand and receive the assistance of the county attorney from whose  
10 county such case is brought;

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

17           (5) At the request of the Governor, head of any executive  
18 department, Secretary of State, State Treasurer, Auditor of Public  
19 Accounts, Board of Educational Lands and Funds, State Department of  
20 Education, or Public Service Commission, to prosecute any official bond  
21 or any contract in which the state is interested which is deposited with  
22 any of them and to prosecute or defend for the state all civil or  
23 criminal actions and proceedings relating to any matter connected with  
24 any of such officers' departments if, after investigation, he or she is  
25 convinced there is sufficient legal merit to justify the proceeding. Such  
26 officers shall not pay or contract to pay from the funds of the state any  
27 money for special attorneys or counselors-at-law unless the employment of  
28 such special counsel is made upon the written authorization of the  
29 Governor or the Attorney General;

30           (6) To enforce the proper application of money appropriated by the  
31 Legislature to the various funds of the state and prosecute breaches of

1 trust in the administration of such funds;

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

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

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

16 (10) To appear for the state and prosecute and defend all civil or  
17 criminal actions and proceedings in the Court of Appeals or Supreme Court  
18 in which the state is interested or a party. When requested by the  
19 Governor or the Legislature, the Attorney General shall appear for the  
20 state and prosecute or defend any action or conduct any investigation in  
21 which the state is interested or a party before any court, officer,  
22 board, tribunal, or commission;

23 (11) To prepare and promulgate model rules of procedure appropriate  
24 for use by as many agencies as possible. The Attorney General shall add  
25 to, amend, or revise the model rules as necessary for the proper guidance  
26 of agencies;

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

31 (13)(a) ~~(13)~~ To create a Child Protection Division to be staffed by



1 at least three assistant attorneys general who each have five or more  
2 years of experience in the prosecution or defense of felonies or  
3 misdemeanors, including two years in the prosecution or defense of crimes  
4 against children. Upon the written request of a county attorney, the  
5 division shall provide consultation and advise and assist in the  
6 preparation of the trial of any case involving a crime against a child,  
7 including, but not limited to, the following offenses:

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

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

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

11 (iv) ~~(d)~~ False imprisonment as defined in sections 28-314 and  
12 28-315;

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

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

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

16 (viii) ~~(h)~~ Offenses listed in sections 28-813, 28-813.01, and  
17 28-1463.03.

18 (b) Any offense listed in subdivisions (13)(a)(i) ~~(a)~~ through (viii)  
19 ~~(h)~~ of this section ~~subdivision~~ shall include all inchoate offenses  
20 pursuant to the Nebraska Criminal Code and compounding a felony pursuant  
21 to section 28-301. Such crimes shall not include matters involving  
22 dependent and neglected children, infraction violations, custody,  
23 parenting time, visitation, or other access matters, or child support. If  
24 the county attorney declines in writing to prosecute a case involving a  
25 crime against a child because of an ethical consideration, including the  
26 presence or appearance of a conflict of interest, or for any other  
27 reason, the division shall, upon the receipt of a written request of the  
28 county attorney, the Department of Health and Human Services, the minor  
29 child, the parents of the minor child, or any other interested party,  
30 investigate the matter and either decline to prosecute the matter or  
31 initiate the appropriate criminal proceedings in a court of proper

1 jurisdiction.

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

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

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

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

9 Sec. 25. Original sections 4-107, 25-1081, 30-2312, 76-402, 76-404,  
10 76-405, 76-406, 76-407, 76-412, 76-413, 76-414, 81-201, and 84-205,  
11 Reissue Revised Statutes of Nebraska, are repealed.

12 Sec. 26. The following sections are outright repealed: Sections  
13 76-403, 76-408, 76-409, 76-410, 76-411, and 76-415, Reissue Revised  
14 Statutes of Nebraska.

15 2. On page 1, strike beginning with the second "to" in line 1  
16 through line 12 and insert "to amend sections 4-107, 25-1081, 30-2312,  
17 76-402, 76-404, 76-405, 76-406, 76-407, 76-412, 76-413, 76-414, 81-201,  
18 and 84-205, Reissue Revised Statutes of Nebraska; to adopt the Foreign-  
19 owned Real Estate National Security Act; to change provisions relating to  
20 nonresident aliens taking property by succession or testamentary  
21 disposition; to change and eliminate provisions relating to foreign  
22 ownership of real property; to provide duties for the Department of  
23 Agriculture and Attorney General; to harmonize provisions; to provide an  
24 operative date; to provide severability; to repeal the original sections;  
25 and to outright repeal sections 76-403, 76-408, 76-409, 76-410, 76-411,  
26 and 76-415, Reissue Revised Statutes of Nebraska."