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# NEBRASKA LAND TITLE ASSOCIATION

## Legislative Summary

99<sup>th</sup> Legislature – Second Session - 2006

Presented by  
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Ruth Mueller Robak LLC  
March 24, 2006



RUTH | MUELLER | ROBAK  
LLC

# 99<sup>th</sup> Legislature – Second Session Status

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- **500 Bills Introduced Second Session**
- **763 Bills Introduced First Session**
- **391 Bills Still in Committee**
- **177 Bills Killed**
- **279 Bills on General File**
- **31 Bills on Select File**
- **20 Bills on Final Reading**

# 99<sup>th</sup> Legislature – Second Session Status

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- **Major issues outstanding**
  - **Medicaid (General File)**
  - **Omaha Education Issue (General File)**
  - **“Gas Wars” (General File)**
  - **Tax Cuts (2 bills – Select File)**
  - **Appropriations Bills (Final Reading)**
  - **“Concealed Carry” (Select File)**
  - **Fetal Assault (Select File)**

# 99<sup>th</sup> Legislature – Second Session Status

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- **Major Issues Outstanding Continued**
  - **Workers' Compensation Reform**
  - **Water Issues**
  - **Eminent Domain**
  - **Hergert Impeachment**
  - **Minimum Wage**
- **22 Senator Priority Bills on GF**
- **12 Days Remaining**

# LB 75

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- **Original bill gutted**
- **Constitutional Amendment to be on November 2006 ballot**
- **To allow cities (except metropolitan class) and political subdivisions to invest public endowment funds in a prudent manner as a fiduciary**
- **Final Reading**

# LB 120

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- Amended into LB 975
- Cannot expand any facility within one mile of a class A cold water stream
- Except for university
- NDEQ can also determine no expansion status between one and two miles if harm to stream
- Signed by Governor March 16, 2006
- Effective March 17, 2006

# LB 407

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- Amended in LB 808
- Re-defines ag and horticultural lands
- Allows special valuation for greenbelt to be applied for by “APPLICANT,” not just “OWNER”
- Land doesn’t need to be zoned ag to receive greenbelt treatment
- Eliminates recapture provisions when land loses greenbelt status
- Advanced for Review

# LB 409

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- **Homestead interest of both or either spouse may be conveyed by:**
  - **Guardian or conservator in accordance with Probate Code**
  - **Attorney-in-fact under a power of attorney which grants power to sell and convey real property**
- **Signed by Governor March 13, 2006**
- **Effective July 13, 2006**

# LB 565

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- **The Land Information System Program Act**
- **Establishes statewide centralized database**
- **NLTA opposed**
- **In Committee**

# LB 647

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- **Includes LB 1261**
- **Requires LLC's to file biennial reports with the Secretary of State**
- **Commencing on January 1, 2007**
- **File between January 1 and April 1 on odd numbered years**
- **LCC can be dissolved if no biennial filing; and restored if filing made**

# LB 647 continued

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- **No filing fee for filing**
- **NLTA opposed**
- **Signed by Governor March 22, 2006**
- **Effective January 1, 2007**

# LB 663

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- **Includes LB 1215**
- **Solves the “Greentree v. Sutton” problem**
- **If manufactured or mobile home (mmh) is affixed to real estate in which owner of the home has an interest:**
  - **Title may be surrendered to County Clerk or designated county official where title issued**

# LB 663 continued

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- **Must submit an “affidavit of affixture” to County Clerk with form containing:**
  - **Names and addresses of all owners of record**
  - **Description of mmh with serial number**
  - **Legal description of the real estate**
  - **A statement that the mmh is affixed**
  - **Written consent of each lien holder**
  - **Copy of certificate of title attached**

# LB 663 continued

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- Names and addresses where notice may be delivered (i.e. financial institutions)
- Signed under penalty of perjury
- **County Clerk enters cancellation on records**
- **County Clerk must notify Department of Motor Vehicles of cancellation with duplicate original of “affidavit of affixture”**

# LB 663 continued

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- **County Clerk must deliver the original affidavit to the Register of Deeds in county where real estate located**
- **If affixed prior to operative date**
  - **Lien holder on home and real estate may enforce lien by deed in lieu of foreclosure**
- **Once affixed**
  - **Mmh is treated like real estate and liens shall be perfected and treated like real estate liens**
  - **Mmh can only be transferred as part of the real estate**

# LB 663 continued

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- **If intend to detach mmh**
  - **Must file an affidavit of detachment with Register of Deeds**
  - **Must obtain new certificate of title**
  - **Must file “affidavit of detachment”**
  - **If detached:**
    - **No longer treated as real estate**
    - **May convey only through certificate of title**
- **Signed by Governor March 16, 2006**
- **Effective June 1, 2006**

# LB 778

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- **Major re-write of Real Estate Appraisers Act**
- **Changes credentialing of real property appraisers**
- **Signed by Governor March 6, 2006**
- **Effective July 13, 2006**

# **LB 799, LB 910, LB 924, LB 1252**

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- **Eminent Domain Bills**
- **LB 924 on General File; Fisher Priority Bill**
- **LB 1252 on General File**

# LB 802

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- **Amended into LB 1115**
- **Can file an abstract of marriage in place of a certified copy**
- **Marriage proved by original certificate or abstract of marriage**

# **LB 802 continued**

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- **Certified document that summarizes the fact of a marriage including:**
  - **Bride and groom**
  - **Date of marriage**
  - **Place of marriage**
  - **Time of filing of marriage document**
- **Signed by Governor March 16, 2006**
- **Effective January 1, 2007**

# LB 850

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- **Amended into LB 1175**
- **Allows for the purchase of real property by cities of the primary class using installment contracts**
- **Select File**

# LB 875

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- **Department of Insurance clean up bill**
- **Sets a lower premium reserve for title insurers domiciled in another state that relocates in Nebraska**
- **Signed by Governor March 13, 2006**
- **Effective March 14, 2006**

# LB 926

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- **Nebraska Deed of Trust Act amended**
- **NLTA opposed**
- **Struck language that allowed attorney for the trustee to sign the Deed of Trust or apply the proceeds**
- **General File**

# LB 967

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- Amended in LB 968
- Exempts sales tax on construction labor on dwellings designed for one or two families
- Construction labor on condominiums (three or more units occupied by natural person who is owner of record on date work performed) subject to tax, but may be refunded
- Advanced for Review

# LB 997

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- **Tax credits for perpetual conservation easements**
- **General File**



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