

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB21

Hearing Date: Monday January 27, 2025
Committee On: Banking, Commerce and Insurance
Introducer: Cavanaugh, J.
One Liner: Adopt the Uniform Unlawful Restrictions in Land Records Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Bostar, Dungan, Hallstrom, Hardin, Jacobson, Riepe, Wordekemper, von Gillern
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator John Cavanaugh, J.
Larry Ruth
Jane Sternecky
Joy Kathurima

Representing:

Opening Presenter
NE Uniform Law Commission
Uniform Law Commission
ACLU of Nebraska

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 21 would create the Uniform Unlawful Restrictions in Land Records Act ("Act"), a set of laws which would create a process by which land owners could remove unlawful restrictions from their land records. The Act would also create a process by which a "governing body of an association of owners identified in a governing instrument" (e.g., homeowner associations) could remove unlawful restrictions from their governing documents.

Section-by-Section Summary:

Section 1: Lists the sections that would make up the Act if LB 21 were made law.

Section 2: Provides definitions for eleven (11) terms that are used throughout the Act.

Section 3: States that an owner of real property subject to an unlawful restriction may submit to the recorder for



recordation in the land records an amendment to remove the unlawful restriction, but only as to the owner's property.

Section 4: Creates a means by which homeowner associations and similar organizations may remove unlawful restrictions from their governing documents.

Section 5: Provides for what the amendment documentation must and may contain. Also provides for how the documentation must be executed and recorded. Finally, states what the effect of the documentation will be in certain situations.

Section 6: Provides an example of what the amendment documentation may include in order to be compliant with the Act.

Section 7: States the duties of a recorder when receiving an amendment document, and limits their liability.

Section 8: Provides for how courts should apply and construe the Act.

Section 9: States that the Act does modify, limit, and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. 7003(b).

Mike Jacobson, Chairperson

