

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB26

Chairperson: Senator Rich Pahls

Committee: Banking, Commerce and Insurance

Date of Hearing: January 25, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Private transfer fee obligations that are imposed and run with the title of real property are contrary to public policy and may unnecessarily complicate the transfer of such property and add to the cost of such transfers. Private transfer fees currently may be unrecorded, and thus create an unknown liability for buyers, seller and title insurers.

LB 26 would impose a ban on new private transfer fees in Nebraska. Existing private transfer fee agreements would have to be recorded by the operative date of the act in order to be recognized.

Transfer fees do not include certain fee obligations for valid purposes, such as those paid to homeowners associations, or taxes or fees imposed by a governmental authority.

Principal Introducer: _____

Senator Chris Langemeier