

## LEGISLATIVE BILL 59

Approved by the Governor April 10, 1981

Introduced by Carsten, 2

AN ACT relating to revenue and taxation; to define terms; to provide for mineral interests to be filed with the county assessor; to provide for appeals; to provide for rules and regulations; to provide for severability; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of this act, unless the context otherwise requires:

(1) Mineral interests shall mean mines, minerals, quarries, mineral springs and wells, oil and gas wells, and overriding royalty interests and production payments with respect to oil or gas leases; and

(2) Surface estate shall mean any real property, real estate, or lands including all city and village lots and all other lands except mineral interests.

Sec. 2. Any owner of the surface estate from which a mineral interest has been severed or the owner of the mineral interest which has been severed may file an application with the county assessor of the county where such surface estate is located to place such severed mineral interest on the tax list of the county. The applicant shall, at his or her own cost, provide to the county assessor proof of ownership of the severed mineral interest and a record of the creation of the severed mineral interest, as shown by the records of the county clerk or register of deeds. Proof of ownership, the name and last-known address of the owner or owners, the ownership interest, including any fractional interest, legal description, and the record of creation of the severed mineral interest shall be provided in the form of an opinion by an attorney or a certificate prepared by a licensed abstractor.

Sec. 3. All applications requesting separate listing of a mineral interest and surface estate must be filed with the county assessor on or before January 1 of the year in which they are to be separately listed and assessed.

Sec. 4. Appeals from actions of the county assessor pursuant to this act may be taken to the county

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board of equalization in the manner provided in Chapter 77, article 15.

Sec. 5. The Department of Revenue shall adopt and promulgate rules and regulations necessary for the implementation of this act. The Department of Revenue shall also prescribe necessary forms for the implementation of this act.

Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.