

March 26, 1981

LB 59

of several years now and it developed basically when land changed hands and the mineral rights were withheld from the sale of that land, and that is what this bill deals with is at the time of severance the mineral rights from the ground. The bill is really necessary because of a court decision that was finally made, Svoboda versus Weiler, and the decision was on March 25, 1980. As a result there has been an enormous amount of time and money spent to clarify and define and declare the owners under the circumstances that were involved. Hopefully and believably this will help to alleviate those problems that are arising when the sale of land does occur. Now, what happens with this bill is that either the owner of the surface estate or the owner of the mineral rights may file a request with the County Assessor that the mineral interest be separately listed. And in that case then they are listed separately and are assessed separately. Now this bill is adapted after a bill that has been in operation in Colorado. It is not word for word but with some additions and subtractions from that bill in Colorado, we believe that it is workable in Nebraska. I believe that generally explains the bill. It is one that is really needed and particularly out in the areas of Western Nebraska even though it does affect some areas even in the eastern part of the state. You will note from the committee's statement, and I want to point this out to you, there was one opponent to the bill when we held the hearing, a lady by the name of Marilyn Roach. She appeared in opposition to the bill. She did not fully understand the bill and after she had left and visited with some other people, she wrote us a letter and said that she would like for us to know that she now understood the bill and was not in opposition to it. So in reality there was no opposition to the bill and it was supported by Senator Haberman from whose area much of these problems exist, Mr. Jack Mills from the Association of County Officials, Norm Weiler, the Keith County Assessor, who has had these problems out in his county, Vince Brown from the Petroleum Council, Dave Pierson, from the Nebraska Real Estate Association, and Richard Goodding from the Nebraska Farm Bureau Federation. Now it was a mutual or a combined effort of the county officials, the Department of Revenue and our own Revenue Committee staff that put this bill together that is really needed to help iron out some of these problems that have existed and will continue to exist. I move, Mr. President, that LB 59 as amended be advanced.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature,