

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 201

Introduced by Davis, 43.

Read first time January 13, 2015

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
2 57-1201, 57-1202, 57-1203, 57-1204, 57-1205, 57-1207, 57-1208,
3 57-1209, 57-1214, and 81-1607.01, Reissue Revised Statutes of
4 Nebraska; to change provisions relating to uranium severance taxes;
5 to change the distribution of uranium severance tax revenue; to
6 harmonize provisions; to provide an operative date; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 57-1201, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 57-1201 As used in sections 57-1201 to 57-1214, unless the context
4 otherwise requires:

5 (1) Other mineral shall mean any substance that is ordinarily and
6 naturally considered a mineral, including, but not limited to, niobium,
7 zinc, and other rare earth elements and transition metals;

8 (2 1) Person shall mean any natural person, firm, concern, receiver,
9 trustee, executor, administrator, agent, institution, association,
10 partnership, limited liability company, company, corporation, or person
11 acting under a declaration of trust;

12 (3 2) Sever shall mean to take from the land by any means
13 whatsoever; and

14 (4 3) Uranium shall mean tri-uranium oct-oxide.

15 Sec. 2. Section 57-1202, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 57-1202 A tax is hereby levied on all uranium and other minerals
18 severed from the soil of this state. Such tax shall be paid by the person
19 engaged in the severing of such uranium or other mineral, shall become
20 due and payable monthly, and shall operate as a first lien on ~~all~~ such
21 uranium or other mineral. Such lien shall follow the resource into the
22 hands of third persons, whether the resource is acquired in good faith or
23 bad faith or is in a manufactured or unmanufactured state.

24 Sec. 3. Section 57-1203, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 57-1203 The tax imposed by section 57-1202 shall be levied on the
27 value of the uranium or other mineral severed, and shall be paid at the
28 rate of five ~~two~~ percent of the value of the ~~such~~ uranium or other
29 mineral produced each year in excess of five million dollars gross value.
30 The value shall be computed immediately after such severance at the place
31 where the uranium or other mineral is severed.

1 Sec. 4. Section 57-1204, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 57-1204 The tax imposed by section 57-1202 shall be due and payable
4 in monthly installments on or before the last day of the month next
5 succeeding the month in which the uranium or other mineral was severed.
6 If the final filing date falls on a Saturday, Sunday, or legal holiday,
7 the next secular or business day shall be the final filing date. Such
8 reports shall be considered filed on time if mailed in an envelope
9 properly addressed to the Tax Commissioner and postmarked before midnight
10 of the final filing date. For good cause the Tax Commissioner may grant a
11 taxpayer reasonable extensions of time for filing, not to exceed ten days
12 in the aggregate for any one return.

13 The person engaged in the severing, on or before the last day of the
14 month next succeeding the month in which the uranium or other mineral was
15 so severed, shall make out and file with the Tax Commissioner a report or
16 return for the preceding month in such form as may be prescribed by the
17 Tax Commissioner showing: The business conducted by the person engaged in
18 the severing during the preceding month; the kind, gross quantity, and
19 value of the uranium or other mineral so severed; the name of the owner
20 of the resource at the time of the severance; the portion owned by each
21 owner; the location of the place where the uranium or other mineral is
22 severed; and such other information as the Tax Commissioner may require.

23 Sec. 5. Section 57-1205, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 57-1205 The tax imposed by section 57-1202 shall be paid to the Tax
26 Commissioner who shall pay all money received to the State Treasurer. The
27 treasurer shall: to be placed in the General Fund.

28 (1) Credit forty percent of such funds to the General Fund;

29 (2) Credit thirty percent of such funds to the permanent school
30 fund; and

31 (3) Credit thirty percent of such funds to the State Energy Office

1 Cash Fund to be used by the State Energy Office to help finance Dollar
2 and Energy Saving Loans to schools in Nebraska.

3 Sec. 6. Section 57-1207, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 57-1207 The tax imposed by section 57-1202 shall be paid and the
6 report required by section 57-1204 shall be made by the person engaged in
7 the severing of the uranium or other mineral, whether or not he or she is
8 the owner of the land from which the uranium or other mineral is severed.

9 Sec. 7. Section 57-1208, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 57-1208 The person remitting to the Tax Commissioner the tax imposed
12 by section 57-1202 shall deduct, from the amount due any person owning an
13 interest in the uranium or other mineral or in the proceeds of the
14 uranium or other mineral at the time of severance, the proportionate
15 amount of such tax before making payment to any such person.

16 Sec. 8. Section 57-1209, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 57-1209 The Tax Commissioner may bring an action against any person
19 engaged in the severing of uranium or other minerals for the collection
20 of taxes which are due and delinquent under sections 57-1201 to 57-1214.

21 Sec. 9. Section 57-1214, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 57-1214 The Attorney General or the county attorney of the county in
24 which the uranium or other mineral is located may file a petition in the
25 district court of such county and, upon such filing, the district court
26 shall have the power to restrain by injunction any person from continuing
27 to sever such uranium or other mineral while delinquent in any report or
28 the payment of any tax, penalty, or cost required by sections 57-1201 to
29 57-1214.

30 Sec. 10. Section 81-1607.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 81-1607.01 The State Energy Office Cash Fund is hereby created. The
2 fund shall consist of funds received pursuant to sections ~~section~~ 57-705
3 and 57-1205. The fund shall be used for the administration of sections
4 81-1601 to 81-1607, for energy conservation activities, and for providing
5 technical assistance to communities in the area of natural gas other than
6 assistance regarding ownership of regulated utilities, except that
7 transfers may be made from the fund to the General Fund at the direction
8 of the Legislature. Any money in the State Energy Office Cash Fund
9 available for investment shall be invested by the state investment
10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.

12 Sec. 11. This act becomes operative on January 1, 2016.

13 Sec. 12. Original sections 57-1201, 57-1202, 57-1203, 57-1204,
14 57-1205, 57-1207, 57-1208, 57-1209, 57-1214, and 81-1607.01, Reissue
15 Revised Statutes of Nebraska, are repealed.