

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB681

Hearing Date: Wednesday March 11, 2009
Committee On: Revenue
Introducer: Flood
One Liner: Provide for refund of unconstitutional taxes, assessments, and penalties

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 8 Senators Adams, Cornett, Dierks, Friend, Hadley, Louden, Utter, White
Nay:
Absent:
Present Not Voting:

Proponents:

Speaker Mike Flood
Senator Mark Christensen
Michael Clements

Representing:

Introducer
District 44
Lower Republican NRD

Opponents:

Representing:

Neutral:

Larry Dix
Daniel L. Smith
David Cookson

Representing:

Nebraska Association of County Officials
Middle Republican Natural Resources District
Attorney General

Summary of purpose and/or changes:

LB 681 would have enacted a mechanism providing for the automatic refund of real or personal property taxes, occupation taxes, or assessments that have been declared unconstitutional by final court judgment or order. The refund would have been due for the year the tax or assessment was declared unconstitutional and prior years, beginning with the year the action challenging the constitutionality was commenced. The refund was to be made to the person paying the tax without the need for filing a claim for refund. If the tax or assessment declared unconstitutional was applicable throughout the state or beyond the geographic boundaries of the court making the declaration of unconstitutionality, the final judgment or order must have been entered by the Nebraska Supreme Court. The remedy provided was supplementary to the refund mechanism to recover illegal taxes provided under Neb. Rev. Stat. Section 77-1735 (Cum. Supp. 2008). Refunds would have been made in the manner prescribed in Neb. Rev. Stat. Section 77-1736.06 (Cum. Supp. 2008).

Abbie Cornett, Chairperson