



One Hundred First Legislature - First Session - 2009  
**Introducer's Statement of Intent**  
**LB 681**

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**Chairperson:** Abbie Cornett  
**Committee:** Revenue  
**Date of Hearing:** March 11, 2009

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

LB 681 would enact 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 be due for the year the tax or assessment is declared unconstitutional and prior years, beginning with the year a lawsuit challenging the constitutionality was commenced. The refund would be made to the person paying the tax without the need for filing a claim for a refund. If the tax or assessment declared unconstitutional is applicable throughout the state or beyond the geographic boundaries of the court making the declaration of unconstitutionality, the final judgment or order must be entered by the Nebraska Supreme Court. The remedy provided by the bill would be supplementary to the refund mechanism to recover illegal taxes provided, currently, pursuant to Neb. Rev. Stat. § 77-1735 (Cum. Supp. 2008). Refunds will be made under LB 681 in the manner prescribed in Neb. Rev. Stat. § 77-1736.06 (Cum. Supp. 2008).

**Principal Introducer:**

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**Senator Mike Flood**  
**At the Request of the Governor**