

January 24, 1995 LB 167

September 20th which is the deadline for setting rates.

PRESIDENT ROBAK: Thank you, Senator Warner. Senator Pirsch.

SENATOR PIRSCH: A question for Senator Jones, if he would yield.

PRESIDENT ROBAK: Senator Jones.

SENATOR JONES: Yes.

SENATOR PIRSCH: Senator Jones, as I read the reference that you use for motor vehicle taxes that would still be the section that they would be refunded under, under 77-1734.01 it does say, in case of payment made of any taxes upon real or personal property or any payments in lieu of taxes as a result of clerical error or honest mistake or misunderstanding, and then provides in that that the county treasurer may refund or so forth. Now that statute obviously was meant to cover property tax, but it was not valid or it would not work in your case?

SENATOR JONES: Well, our county attorney looked at that several times and then we called the state auditor both and they said it didn't work in our case, that they had to...in fact, we had three members in our county that took the county supervisors and county attorney to court so that they could go ahead and get a district judge in and he finally okayed that they would go ahead and do the change, but until that happened they wasn't going to do the change from the information they got from the auditor and the county attorney.

SENATOR PIRSCH: Yeah, it does say that the county board will treat it as any other claim and I imagine that that gets pretty hairy. And then in 77-1735 it talks about going through the court and that's ultimately what you had to do.

SENATOR JONES: That's what we had to do in our county.

SENATOR PIRSCH: So perhaps just going through the process of a public hearing might be less cumbersome than going through the court.

SENATOR JONES: I agree.

SENATOR PIRSCH: Thank you. I shall support this.