

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 30, 2005 LB 753

information as quickly as I can arrive at it, but I don't know. I am...if this...this is not a relevant piece of information that is dispositive, but it might give you some signal, and that is maybe a quarter of this refund money is under current docket dispute.

SENATOR BEUTLER: So we're interfering in litigation that's going on right now and resolving it on behalf of taxpayers currently involved in litigation.

SENATOR LANDIS: That's true. Yeah. About a quarter of this...of this amount represents open dockets that the Revenue Department is pursuing.

SENATOR SCHIMEK: Time. Thank you, Senators Beutler and Landis. Senator Raikes, you are recognized to speak.

SENATOR RAIKES: Thank you, Mr. President...Madam President, excuse me, and members. To give you my impression, at least, Senator Beutler, as to how this comes about, LB 759 was actually not the critical factor in this. There was confusion in the statute, or at least it can be argued from the viewpoint of those attempting to comply with the statute there was confusion before LB 759. What LB 759 does and what this bill does is say, okay, as of the effective date of LB 759, October of 2003, from here forward we all know what the rules are. The confusion in the past is eliminated and we are going forward, and these services are going to be taxed. So I think some people have gotten the impression that we're giving up something in the way of tax revenue from services as we go forward. That's not the case. These services will be taxed as we go forward. All we're doing, as Senator Landis pointed out, is when you look before October 1 of 2003, when there was confusion...and there was confusion apart from LB 759. LB 759, I would argue, was a very, very small part of any confusion. It was there without LB 759. When we go back before that, we are resolving the conflicts in the favor of the taxpayers and some of them paid the tax. That would be where the refunds come in. Some of them didn't pay the tax and so, in some cases, I assume, the Department of Revenue has initiated action to collect that money. So, in both of those instances, that obligation is going to go away. The