

April 25, 1979

LB 285

out receipts from any tax levy pursuant to Section 79-506.01, which is so technical I'm not certain that I can explain it, except that class 1 and class 2 school districts are allowed by a vote of the people, where they get fifty-five percent of the electors, to establish a sinking fund for school building, renovation and repair, and it is the thinking...it is our thinking, at least, that inasmuch as you have an election to take care of the sinking fund, that there ought not to be a special election to make sure that that sinking fund can exceed the seven percent limitation, and for that reason we have an exception. And then finally in subsection 3 of my amendments, we deal with the newly created political subdivision. That was one other problem that the Attorney General raised in his opinions to me, is that 285 really did not address itself to a subdivision that came into being after the passage of the act. So we provide that if a subdivision comes into existence after the passage of the act, then it can really establish if it's a first year budget whatever budget it wants to establish, and from that point forward it will be subject to the limitations of LB 285. I would move the adoption of the amendments.

SPEAKER MARVEL: Senator Simon, do you wish to be recognized on the Johnson amendment?

SENATOR SIMON: I have a question or two of Senator Johnson if he will yield, please.

SENATOR JOHNSON: Yes.

SENATOR SIMON: I was trying to follow your comments, Senator Johnson, and I was also into a couple of other things, now I wanted to understand, you said that there was a Supreme... I don't know if it was a Supreme Court or an Attorney General's ruling that says that a home rule charter, we cannot bind them by a lid. Is that correct?

SENATOR JOHNSON: Yes, it was an old case, 1937 case, says exactly that.

SENATOR SIMON: Well that certainly is a very interesting... very interesting decision. So what you're saying then, is that the city of Omaha or the city of Lincoln right now would not have to comply with LB 1 from last year.

SENATOR JOHNSON: That point's well taken I believe, Senator Simon.

SENATOR SIMON: And that the Murphy amendment, which was