

April 25, 1979

LB 285

essentially geared to primarily I imagine for Omaha and Lincoln, although North Platte and Bellevue do have sales tax as well, really doesn't make any difference since those would not be covered.

SENATOR JOHNSON: I suppose in the end that that issue would have to be litigated to be truthful with you, and it may well be that the old 1937 decision would no longer be deemed controlling by the Supreme Court. But I didn't know about the decision either, Senator Simon, until it was brought to me by the city of Lincoln.

SENATOR SIMON: Where did you get that decision?

SENATOR JOHNSON: From the city of Lincoln.

SENATOR SIMON: From the city of Lincoln?

SENATOR JOHNSON: Yes.

SENATOR SIMON: Okay. I guess I'm just astounded that we debated this thing for a year and here we find out that it's not even applicable necessarily to the two largest cities.

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

SENATOR KEYES: Just one short question of Senator Johnson.

SENATOR JOHNSON: Yes, Senator Keyes.

SENATOR KEYES: Senator Johnson, you say that the city of Omaha...let's see they cannot, they're permitted to levy a property tax. Is that right?

SENATOR JOHNSON: Yes, of course they are.

SENATOR KEYES: By charter...by Constitution?

SENATOR JOHNSON: I don't know the answer to that question, Senator Keyes. I can't give you an answer.

SENATOR KEYES: Well, you said that they have certain rights under their home rule charter.

SENATOR JOHNSON: The Constitution...the Constitution allows for city home rule charters, and because the Constitution allows for it, the Supreme Court held back in 1937 that when the Legislature put a lid on all chartered cities, including