

April 25, 1979

LB 285

home rule chartered cities that have violated the constitutional provision which in effect gave the home rule chartered city the ability to take care of its own business.

SENATOR KEYES: Well then do you suppose that we have violated the Constitution of Nebraska by giving the city of Omaha by statute the right to levy a sales tax? If the Constitution tells them what they can levy and what they can do, how can we in the state of Nebraska give them the permission to levy a sales tax?

SENATOR JOHNSON: I haven't had enough time to fully analyze the decision, and that's one reason why I would request the Attorney General's opinion on this very point. But your point's well taken, Senator Keyes.

SENATOR KEYES: It just sounds to me like we have got ourselves into a nutcracker here and just don't know exactly which way to go. As a matter of fact, I wish someone would put an amendment up there to strike all the amendments to the committee bill and go back to the regular LB 1 as it was introduced by the Revenue Committee this year, and you will find out that you have a bill that we can live with if we do not cut state funds, if we do not cut federal funds, and we can still permit the ad valorem tax to go up seven percent. And if it has to go above that after all the federal funds, and all the state funds, and all the sales tax money comes in, it has to go above the hundred and seven percent, the people have got a little right to vote.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I rise in support of Senator Johnson's amendments, as he in his early statements said these were again technical amendments that we had not included in the original. The question that has been raised during the discussion of these amendments is very interesting, and one that I think perhaps we had better pursue before we pass this on Final Reading and may very well have an impact on other legislation that we consider that deals directly with home rule charters. I would say, Senator Johnson, that if you or I will, we'd better make a request for that, but go ahead and adopt the amendments and if we find problems, we will deal with that at a later time. These technical amendments that are offered are necessary and make provisions for those things which we did not provide for in the original. Thank you, Mr. President.

SPEAKER MARVEL: Senator Lewis, do you wish to be recognized?