

May 17, 1973

to 533 and coming up with the, with an appropriation, that's all this does.

PRESIDENT: Now, is there any further discussion of the Warner amendment? Alright, the question is shall the Warner--oop--Senator Stahmer.

SENATOR STAHMER: Mr. President. It escapes me now who passed around the Attorney General's opinion this morning about amending the original LB, the original operating bill of the Governor's but it appeared to me in that opinion that it stated we cannot have new legislation in an amending bill and the Governor did not provide for any funds for an eastern technical community college and when you hereby try to amend something that contained no provision for something that you were flying in the face of the opinion that was handed out this morning. I would question the legality of what you're doing as it pertains to the eastern districts.

PRESIDENT: Any further discussion of the Warner amendment? Question--Senator Whitney?

SENATOR WHITNEY: Mr. President and Members of the Legislature. Unfortunately I was not here that day that this was being discussed but I'd like to ask Senator Warner a question or two.

PRESIDENT: Senator Warner, will you yield?

SENATOR WARNER: Yes.

SENATOR WHITNEY: Senator Warner, does this still leave in the mandatory 1 mill levy before they get any State funds?

SENATOR WARNER: Under the provisions of 533, the, any or each community college district would have to levy 1 mill in order to be eligible for the State appropriation.

SENATOR WHITNEY: Now in the past, Senator Warner, what is the mill levy in these districts now, does it, is it close to the 1 mill levy now in each of those districts?

SENATOR WARNER: Well, it, it varies a great deal, Senator Whitney. You, you, in some instances you've got junior colleges operating with a substantially higher levy. You've got technical community colleges, some with 1 I think, some with 2, there may be one, I'm not sure that doesn't have quite a full mill. Then you have some such as western that wasn't even in existence. Great range, in other words.

SENATOR WHITNEY: Yes. Now, another question. Isn't there a lawsuit on now in the panhandle area of Nebraska?

SENATOR WARNER: Yes.

SENATOR WHITNEY: In that any mill levy required for such schools as Sidney Technical School and the Milford School, is unconstitutional since those were State operated technical schools and now the State is shifting this to a property tax?

SENATOR WARNER: Senator Whitney. I answer your question yes.. I believe technically the case was filed, I believe, in Gering, a technical matter was held and I believe it had to be refiled, I believe in Lancaster County Court and I don't know that it has been refiled. I don't believe it has. There was a series of questions raised by the attorney who was opposing LB 759. We have a copy of his, his brief in the committee files if you'd like to see it.