

March 16, 1990

LB 1141
LR 239

take part in as many of the discussions as I would have liked prior to bringing this bill to the floor, but one of the concerns has been, why have we not addressed the community colleges as sort of a separate entity out there? Why have they not been brought in under the bill? Why have we not said something about the state funding versus the area funding mechanism for the community colleges under this bill? I don't know if you can go into great detail on that, Senator Withem, but that is a concern because I see, I have seen through the appropriations process, that the funding for those community colleges, at least in some parts of the state, is not on a very sturdy basis and that problems were predicted from the very beginning of the establishment of the community colleges regarding their financing, and I am sure the commission must have looked at this to some degree. Could you, for the record, talk about that a little bit?

SENATOR WITHEM: Yeah, I certainly can, and I will even do it on my own time if I can't get it done on the time here. One of the weaknesses the oversight group saw with the initial recommendation from the consultants was is the initial recommendation from the consultants said leave the community colleges alone. Their rationale was they didn't see major problems there with the community colleges, number one, and the oversight members somewhat disagreed with them on that, that we felt that there are some problems there that need to be addressed. Secondly, they recognized that under our State Constitution, as long as you have the Duis, Gerdes-Duis amendment, the Duis amendment, as someday some people following us will be saying now was it Warner or was it Hefner that did such and such way back when probably, the Duis amendment says you cannot have a property tax for a state function. If you put in strict supervision of the community colleges at the state level and continue to fund them with the property tax, you have a constitutional problem. You can't do it. What you can do to alleviate that would be (a) to change the Constitution to say that you can use a property tax for a state function. The likelihood of the people voting for something like that is very small. The second thing you could do, and frankly you could still do it under LR 239. There is nothing in 239 that will prevent us someday from funding the community colleges all at the state level, and once we do that, then we can bring them under. But that was the rationale, that we are not going to fund them at the state level, we are not going to amend the Constitution to allow the state to levy a property tax, so you