

April 9, 1990

LB 1141
LR 239

hope that you would adopt this amendment to 1141, and then adopt 1141 and do not adopt LR 239. Now if LR 239 is adopted, I will still vote for 1131 or 1141, although as Senator McFarland pointed out, there may be some problems here, but I truly believe that LB 1141 is the way to go and we should not vote for LR 239.

PRESIDENT: Thank you. Senator Wesely, you are next, but may I introduce some special guests under the south balcony of Senator McFarland. He has his mother, Dorothy McFarland, his brother, Bob McFarland, and his daughter, which would be Senator McFarland's niece, Jody McFarland. Would you folks please stand so we may welcome you. Thanks to all of you for visiting us today. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, and members. I would like to ask Senator Warner if he will yield to a question.

PRESIDENT: Senator Warner, please.

SENATOR WESELY: My question, Senator Warner, is that the Conway amendment deals with the community colleges, and I am trying to understand the barriers that the amendment attempts to overcome to bring community colleges under this review process, and if you could just take a minute and describe again what the situation is and how this is dealt with with the amendment, it would help me to understand the Conway amendment and what it accomplishes.

SENATOR WARNER: Mr. President, and members of the Legislature, in 1966, there was a petition that was, an initiative petition that was filed which prohibited the state from collecting property taxes for state purposes. Prior to that, we used to call it the Duis amendment that was also adopted by the voters back in the fifties. And the difference between the two was the Duis amendment, in effect, said, if and when the state had a broadened tax base that it would be prohibited from issuing or levying a property tax. In 1966, that constitutional amendment which was adopted by the people, put on the ballot by the petition process out...just flatly outlawed the state from having a property tax for state purposes. Later in the early 1970s, '72 or '73, '72, I believe, at that time we required community colleges to issue, mandated, in fact, that they had a minimum mill levy and some other provisions that governed the operation of community colleges. The Supreme Court held that as