

congratulated for bringing this to us and it's important that we show our support for this institution with this amendment. Thank you.

SPEAKER BAACK: Thank you, Senator Horgan. Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, let me add a little bit more in support of this amendment. First of all, I think Senator Moore's explanation of where this money goes and what it does was valuable and I just want to hit a couple of points that he made. One of those is that...I guess he didn't make this point but I make it, to begin with, and that is the Indian Community College is really neither fish nor fowl, it's really not a public institution because...at least a Nebraska based public institution, because it is not a subdivision or a creature of state government. On the other hand, it is not really a private institution either because it exists primarily through federal funding. The Indian Community College, by the way, was a subject of an interim study of the Education Committee last year. We spent a very pleasant afternoon up in Winnebago touring the facilities and getting a better idea of what is done there. This specific amendment which would authorize a distribution of funds that will be later on appropriated via the appropriations process is to deal with compensating the Indian Community College for its service to the State of Nebraska in serving non-Indians. They receive federal funding for their Indian students. They have a number of non-Indian students and that's what this particular appropriation would be for. The second point, I guess, I would make, one of the gentlemen out in the rotunda supplied me the text of a Supreme Court case that I think may be on point to one of the questions Senator Haberman asked and that is, is this using the credit of the state for a private purpose? No, it is not in this case, State ex re Creighton University v. Smith in 1984, the Nebraska Constitution does not prohibit the state from doing business or contracting with private institutions in fulfilling a governmental duty and furthering a public purpose. The public purpose, in this case, is the education of Nebraska students in a community college setting. We would be making a determination that it is...that is our public purpose and we would be supporting that public purpose in this fashion. There was some talk about an alternate way of doing this and that being to basically establish the Indian Community College as a state institution. As you know, with LB 663, some of us who are attempting to be gate-keepers on that particular process of