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sure if the \$42 million, which I now understand with the correction Senator Hall made on point 4 is the number that's in here, Senator Moore, would that do it?

SENATOR WARNER: Senator Hall...or excuse me, Senator Moore.

SENATOR MOORE: It's my understanding it would do the operations of the community colleges, but would not be enough to include the capital construction levy portion of their budget.

SENATOR WITHEM: Okay, so this is not still not quite enough money to actually effect a takeover of the community colleges. More importantly, I guess I think, and I know I've said this, I said it when I was one of four or five people with a position on the constitutional amendment. I say it again when hopefully there are more people that agree with me on a constitutional amendment. The personal property tax scheme as it existed in 1990 has been ruled unconstitutional by our court. I know that this amendment presupposes that there will be a constitutional amendment. My prediction is the court has made not a judicial decision, but a political decision using the power that they have as a court to declare things unconstitutional, and until you take away the Fourteenth Amendment, and I recall Senator Hall one time wanting to add a provision to a constitutional amendment saying notwithstanding the Fourteenth Amendment to the Federal Constitution knowing full well that we could not do that on the local level, I just don't think we're going to be able to reinstitute the 1990 system. I know people criticize the 3-R plan saying it doesn't treat all property in the same fashion. I think it comes closer. It may still have Fourteenth Amendment problems with this particular group of people sitting on the court. I don't know, but I think it comes closer to treating all property the same and it is my preference over going back to the old system.

SENATOR WARNER: One minute.

SENATOR WITHEM: So with that I am not going to support the...this particular amendment and would urge you not to.

SENATOR WARNER: Senator Schellperer.

SENATOR SCHELLPEPER: Thank you, Mr. Chairman and members. Senator Hall, could I ask you a question, please?