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LB 271

Pederson is right as asking about this, because we've already adopted language, and that was the language that said, public purpose does not include leasing of property to a private party unless the lease of the property is at fair market value for a public purpose. So the fair market value concept is already in 271. There are several ways of determining fair market value. One, if you do it by a bidding process. On its face, that's regarded as fair market value. Secondly, there are traditional norms in rental relationships...lessees at, what is it, two-fifths, and lessors at three-fifths; or maybe I've got those turned around...where the only reason that somebody would enter into that is because they thought they could make money by being one of those two roles in a lease. Those are traditional norms. Third, certainly comparables are used as a way of identifying that. If I had to pick between two tasks to give an assessor, and one of them was determining the fair market value of property, which is what I suggest they need to do, or determining public purpose, as Senator Wickersham says they can do...I think he says...I think his language was, look, the assessors aren't going to determine this; the statutes are going to determine this. The very first book from my seat towards this microphone happened to be one of Curt's books...of course intruding on my space...and I happened to just pull it open to the very first section I could find with a public purpose. Here's what the assessor's going to interpret. And this was, I swear to god, the very first page I could find that had a public purpose on it: It is hereby declared to be in the public interest of the state of Nebraska that public power districts and public power and irrigation districts be empowered to participate jointly or in cooperation with one or more electric cooperatives or electric membership corporations organized under the laws of this state or any other state in the establishment and operation of facilities for the generation or transmission of electric power and energy located within or outside the state, or in the production and distribution of ethanol located within the state, or in order to achieve economies and efficiencies in meeting the future energy needs of the people of the state of Nebraska, period. That's just the first sentence. It goes on: In furtherance of such end, and in addition to, but not in substitution for any other powers granted to such districts, each such district shall have and may exercise its power and authority to plan, finance, acquire, construct, own,