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LB 271

SENATOR CUDABACK: Senator Landis.

SENATOR LANDIS: Thank you. The answer is twofold. Number one, either there is a constitutional problem with 271 with what the committee has done or in the alternative, there's the same public purpose problem that the rest of the bill that I've been raising exists here for the bill itself. Now I'll grant that there's a question as to what my amendment does. But whatever it does, the bill itself has the same problems. First, if the bill is taking away constitutional powers of the school, I'm sorry, constitutional obligations of the educational lands and funds, it can't do that and it fails. The bill, I think Senator Wickersham has just told you, says that school lands will pay full taxation. Gosh, you know what, here it says the following funds, meaning the school lands funds, shall be used exclusively for the support and maintenance of the common schools. That's the general rule. If what he says is right that they have to pay taxes on everything, this isn't being honored which is that these lands, these funds shall be for the support and maintenance of common schools. Now this allows for the cost of administration, a payment in lieu of taxes. And what is that payment? It's a payment to schools so there's no conflict in what we're doing now with a payment in lieu of taxes applied to educational lands and funds. However, if 271 as it's written goes and as it is intended I understand, these lands will now pay a full tax to all political subdivisions. How do you read that consistent with a constitutional provision that says the following funds shall be exclusively used for the support and maintenance of the common schools? That's in the bill, not my amendment. In the alternative, if that's not the case, then the provision that Senator Wickersham says, says except as provided, no in lieu of tax payments provided for in any other section of this law shall be made with respect to any leased public real property. So the question is what's this section? And this section says, leased public property other than property leased for a public purpose. In other words, you're back to the public purpose argument that Senator Wickersham has never answered. And that is that assessors are going to decide public purposes and what 271 applies to will be determined based on what the public purpose of the governmental entity is. This is a circular argument that goes right back to this section that