

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 27, 2000 LB 1010

compelled to sell any land. And you...I know there wouldn't be enough time now, but if you turn on your light then maybe you could respond and, if not, I will turn on my light so that you wouldn't have to try to do it in just a few seconds.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Bromm, on the Chambers amendment.

SENATOR BROMM: Thank you. Thank you, Mr. Lieutenant Governor. A couple of points I guess. When we embarked upon LB 1205 and that's been mentioned today, I know we spent some time looking at the powers of the Legislature to direct sale and really what we could do and there...you look at the Supreme Court case in 1969 I think, or maybe it was a little bit later than that, no, it was '69 I think, Belker v. Board of Education, and the Supreme Court said that...and I don't think this has been changed, I'm sure it hasn't been...it is within the authority of the Legislature to direct the sale of public school lands under such conditions as the Legislature shall provide. The Legislature may not require the sale in a manner that would cause the board to violate the fiduciary duties which bind the management of the educational lands. So I think really the only question here should be whether or not Senator Baker is asking us to do something which would violate the fiduciary duties of the board. What Senator Baker is trying to do is to introduce a method of establishing fair market value using standards which we think are proper, including the multiple of the assessed value, giving the Board of Educational Lands the option of going with a licensed appraiser if they deem that to be more appropriate, and so I don't see a problem with that whatsoever. Section 6 of Article VII of the constitution says: No lands now owned or hereafter acquired by the state for educational purpose...purposes shall be sold except at public auction under such conditions as a Legislature shall provide. I would argue that this is a condition that we are providing and that is that we are saying you shall start the sale with an appraised value defined as we have...as we have stated. There is no opportunity, I don't think, under this bill for skullduggery or selling land cheaply. That's not the point of it. I know that's not Senator Baker's intent and I don't think that, in any way, shape or form, would be the result. I would also like to address Senator Chambers in this respect. Senator Chambers says