

**THIRTY-NINTH DAY - MARCH 7, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 7, 2014

**PRAYER**

The prayer was offered by Pastor Kenneth Miller, St Paul Lutheran Church, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Lautenbaugh and Watermeier who were excused; and Senators Ashford, Conrad, Garrett, B. Harr, Mello, Nordquist, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**COMMITTEE REPORTS**

## Appropriations

**LEGISLATIVE BILL 905.** Placed on General File with amendment. AM2019 is available in the Bill Room.

**LEGISLATIVE BILL 906.** Placed on General File with amendment. AM2175 is available in the Bill Room.

**LEGISLATIVE BILL 130.** Placed on General File with amendment. AM2180

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 84-612 (1) There is hereby created within the state
- 6 treasury a fund known as the Cash Reserve Fund which shall be under
- 7 the direction of the State Treasurer. The fund shall only be used

8 pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the  
10 Cash Reserve Fund to the General Fund upon certification by the  
11 Director of Administrative Services that the current cash balance  
12 in the General Fund is inadequate to meet current obligations. Such  
13 certification shall include the dollar amount to be transferred.

14 Any transfers made pursuant to this subsection shall be reversed  
15 upon notification by the Director of Administrative Services that  
16 sufficient funds are available.

17 (3) In addition to receiving transfers from other funds,  
18 the Cash Reserve Fund shall receive federal funds received by the  
19 State of Nebraska for undesignated general government purposes,  
20 federal revenue sharing, or general fiscal relief of the state.

21 (4) On July 7, 2009, the State Treasurer shall transfer  
22 five million dollars from the Cash Reserve Fund to the Roads  
23 Operations Cash Fund. The Department of Roads shall use such  
1 funds to provide the required state match for federal funding made  
2 available to the state through congressional earmarks.

3 ~~(5) The State Treasurer shall transfer a total of~~  
4 ~~thirty-seven million dollars from the Cash Reserve Fund to the~~  
5 ~~General Fund on or before June 30, 2012, on such dates and in~~  
6 ~~such amounts as directed by the budget administrator of the budget~~  
7 ~~division of the Department of Administrative Services.~~

8 ~~(6)-(5) The State Treasurer shall transfer a total of~~  
9 ~~sixty-eight million dollars from the Cash Reserve Fund to the~~  
10 ~~General Fund on or before June 30, 2013, on such dates and in~~  
11 ~~such amounts as directed by the budget administrator of the budget~~  
12 ~~division of the Department of Administrative Services.~~

13 ~~(7) The State Treasurer, at the direction of the~~  
14 ~~budget administrator of the budget division of the Department~~  
15 ~~of Administrative Services, shall transfer not to exceed twelve~~  
16 ~~million dollars in total between July 1, 2011, and November~~  
17 ~~30, 2012, from the Cash Reserve Fund to the Ethanol Production~~  
18 ~~Incentive Cash Fund, for ethanol production incentive credits,~~  
19 ~~on such dates and in such amounts as certified by the Tax~~  
20 ~~Commissioner.~~

21 ~~(8) The State Treasurer, at the direction of the~~  
22 ~~budget administrator of the budget division of the Department~~  
23 ~~of Administrative Services, shall transfer an amount equal to the~~  
24 ~~total amount transferred pursuant to subsection (7) of this section~~  
25 ~~from the Ethanol Production Incentive Cash Fund to the Cash Reserve~~  
26 ~~Fund in such amounts as certified by the Tax Commissioner on or~~  
27 ~~before November 30, 2012.~~

1 ~~(9) The State Treasurer, at the direction of the~~  
2 ~~budget administrator of the budget division of the Department~~  
3 ~~of Administrative Services, shall transfer eighty million dollars~~  
4 ~~from the Cash Reserve Fund to the Nebraska Capital Construction~~  
5 ~~Fund on or before August 15, 2012.~~

6 (10) The State Treasurer, at the direction of the

7 ~~budget administrator of the budget division of the Department~~  
 8 ~~of Administrative Services, shall transfer one million dollars from~~  
 9 ~~the Cash Reserve Fund to the Affordable Housing Trust Fund on or~~  
 10 ~~before August 15, 2012.~~

11 ~~(11)(6)~~ The State Treasurer shall transfer ten million  
 12 dollars from the Cash Reserve Fund to the General Fund on  
 13 or before June 30, 2013, on such date as directed by the  
 14 budget administrator of the budget division of the Department  
 15 of Administrative Services.

16 ~~(12)(7)~~ The State Treasurer, at the direction of the  
 17 budget administrator of the budget division of the Department of  
 18 Administrative Services, shall transfer not to exceed forty-three  
 19 million fifteen thousand four hundred fifty-nine dollars in total  
 20 from the Cash Reserve Fund to the Nebraska Capital Construction  
 21 Fund between July 1, 2013, and June 30, 2017.

22 (8) The State Treasurer shall transfer fourteen million  
 23 five hundred thousand dollars from the Cash Reserve Fund to the  
 24 Nebraska Capital Construction Fund on or before June 30, 2015, on  
 25 such date as directed by the budget administrator of the budget  
 26 division of the Department of Administrative Services.

27 (9) The State Treasurer shall transfer fifty million five  
 1 hundred thousand dollars from the Cash Reserve Fund to the General  
 2 Fund on or before December 31, 2014, on such date as directed by  
 3 the budget administrator of the budget division of the Department  
 4 of Administrative Services.

5 Sec. 2. Original section 84-612, Revised Statutes  
 6 Supplement, 2013, is repealed.

(Signed) Heath Mello, Chairperson

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 144.** Placed on Final Reading.

**LEGISLATIVE BILL 259.** Placed on Final Reading.

ST44

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Karpisek amendment, AM631:
  - a. Sections 4 and 5 have been renumbered as sections 5 and 4, respectively; and
  - b. On page 1, line 5, "4" has been struck and "5" inserted.
2. On page 1, line 2, "and 9-603" has been struck and ",9-603, and 9-615.01" inserted; in line 3 "a term" has been struck and "and redefine terms" inserted; and in line 4 "as prescribed" has been inserted after "licensure".

**LEGISLATIVE BILL 359.** Placed on Final Reading.

ST45

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Kolowski amendment, AM2030, on page 1, lines 3 and 4, "for the Medical Assistance Act," has been struck.

2. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "sections 68-1713 and 68-1726, Reissue Revised Statutes of Nebraska, section 43-512, Revised Statutes Cumulative Supplement, 2012, and section 68-1206, Revised Statutes Supplement, 2013; to exclude certain income and assets as prescribed from determination of income, resources, or need for certain public assistance; to change provisions relating to eligibility redetermination for a child care subsidy as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 359A.** Placed on Final Reading.**LEGISLATIVE BILL 546.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 6, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Popken, Kent

CenturyLink (Withdrawn 03/06/2014)

Reiser, Richard S.

Werner Enterprises, Inc. and Subsidiaries (Withdrawn 3/3/2014)

**MOTIONS - Approve Appointments**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Child Abuse Prevention Fund Board

Mary Beth Hanus

Voting in the affirmative, 30:

Adams	Crawford	Harms	Larson	Schilz
Bloomfield	Davis	Howard	McCoy	Schumacher
Bolz	Dubas	Johnson	McGill	Smith
Campbell	Gloor	Karpisek	Murante	Sullivan
Carlson	Haar, K.	Kolowski	Nelson	Wallman
Coash	Hadley	Krist	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Avery	Chambers	Cook	Janssen	Lathrop
Brasch	Christensen	Hansen	Kintner	Seiler

Excused and not voting, 9:

Ashford	Garrett	Lautenbaugh	Nordquist	Watermeier
Conrad	Harr, B.	Mello	Pirsch	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

State Board of Health  
Anthony Moravec

Voting in the affirmative, 32:

Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Dubas	Johnson	Murante	Sullivan
Campbell	Gloor	Karpisek	Pirsch	Wightman
Carlson	Haar, K.	Kolowski	Scheer	
Chambers	Hadley	Krist	Schilz	
Coash	Harms	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Christensen	Hansen	Kintner	Nelson
Brasch	Davis	Janssen	Lathrop	Wallman

Excused and not voting, 7:

Ashford	Garrett	Mello	Watermeier
Conrad	Lautenbaugh	Nordquist	

The appointment was confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Board of Emergency Medical Services

Troy Hiemer  
Timothy Hoffman  
Charles LaFollette

Voting in the affirmative, 39:

Adams	Chambers	Hansen	Krist	Schilz
Ashford	Coash	Harms	Larson	Schumacher
Avery	Cook	Harr, B.	Lathrop	Seiler
Bloomfield	Crawford	Howard	McCoy	Smith
Bolz	Dubas	Johnson	McGill	Sullivan
Brasch	Gloor	Karpisek	Murante	Wallman
Campbell	Haar, K.	Kintner	Nelson	Wightman
Carlson	Hadley	Kolowski	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Christensen    Davis            Janssen           Scheer

Excused and not voting, 6:

Conrad            Lautenbaugh    Nordquist  
Garrett           Mello            Watermeier

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Rural Health Advisory Commission

Lisa L. Mlnarik  
Noah L. Piskorski

Voting in the affirmative, 35:

Adams	Coash	Harr, B.	Larson	Schilz
Avery	Cook	Howard	Lathrop	Schumacher
Bloomfield	Crawford	Johnson	McCoy	Seiler
Bolz	Dubas	Karpisek	McGill	Smith
Brasch	Gloor	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Pirsch	Wallman
Carlson	Harms	Krist	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Christensen	Hadley	Janssen
Chambers	Davis	Hansen	Murante

Excused and not voting, 6:

Conrad	Lautenbaugh	Nordquist
Garrett	Mello	Watermeier

The appointments were confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 718:

Nebraska Commission on Problem Gambling  
 Matthew Anselmo  
 Marla Bruder  
 Mark Canada  
 Janelle Holt  
 Paul Leckband  
 Susan Lutz  
 Terry Scoville  
 Teresa "Teri" A. Teutsch

Voting in the affirmative, 33:

Bloomfield	Crawford	Howard	Lathrop	Seiler
Brasch	Dubas	Johnson	McCoy	Smith
Campbell	Gloor	Karpisek	McGill	Sullivan
Carlson	Haar, K.	Kintner	Murante	Wallman
Coash	Hansen	Kolowski	Nelson	Wightman
Conrad	Harms	Krist	Scheer	
Cook	Harr, B.	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Bolz	Davis	Pirsch
Ashford	Chambers	Hadley	Schilz
Avery	Christensen	Janssen	

Excused and not voting, 5:

Garrett	Lautenbaugh	Mello	Nordquist	Watermeier
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The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 718:

Nebraska Arts Council  
Kim West Dinsdale  
Paula L. Pflueger

Voting in the affirmative, 33:

Avery	Coash	Harms	Krist	Schumacher
Bloomfield	Conrad	Harr, B.	Larson	Seiler
Bolz	Cook	Howard	Lathrop	Sullivan
Brasch	Dubas	Johnson	McCoy	Wallman
Campbell	Gloor	Karpisek	Murante	Wightman
Carlson	Haar, K.	Kintner	Nelson	
Chambers	Hansen	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Crawford	Janssen	Schilz
Ashford	Davis	McGill	Smith
Christensen	Hadley	Pirsch	

Excused and not voting, 5:

Garrett	Lautenbaugh	Mello	Nordquist	Watermeier
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The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.



Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 754:

Nebraska Information Technology Commission

Dorest Harvey  
 Randy Meininger  
 Dan Shundoff  
 Gerald (Gary) Warren  
 Walter Weir

Voting in the affirmative, 36:

Avery	Conrad	Harr, B.	McCoy	Smith
Bloomfield	Cook	Howard	Murante	Sullivan
Bolz	Crawford	Johnson	Nelson	Wallman
Brasch	Dubas	Karpisek	Pirsch	Wightman
Campbell	Haar, K.	Kolowski	Scheer	
Carlson	Hadley	Krist	Schilz	
Chambers	Hansen	Larson	Schumacher	
Coash	Harms	Lathrop	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Christensen	Gloor	Kintner
Ashford	Davis	Janssen	McGill

Excused and not voting, 5:

Garrett	Lautenbaugh	Mello	Nordquist	Watermeier
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1016A.** Advanced to Enrollment and Review for Engrossment.

**SENATOR KRIST PRESIDING**

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 422.** Read. Considered.

LR422 was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE RESOLUTION 444.** Read. Considered.

LR444 was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE RESOLUTION 400.** Read. Considered.

LR400 was adopted with 23 ayes, 0 nays, 19 present and not voting, and 7 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Bolz filed the following amendment to LB690:  
AM2254

(Amendments to E & R amendments, ER144)

- 1 1. On page 1, line 14, after "report" insert
- 2 "electronically"; and in line 21 strike "permanent".
- 3 2. On page 2, line 5, strike "and"; in line 7 after
- 4 "Council" insert ", a member of the Legislature's Planning
- 5 Committee appointed by the Executive Board of the Legislative
- 6 Council, and an at-large member appointed by the Executive Board
- 7 of the Legislative Council"; and in line 14 after "be" insert
- 8 "nonvoting members".
- 9 3. On page 4, strike lines 4 through 7; in line 8
- 10 strike "(e)" and insert "(d)"; in line 11 strike "(f)" and insert
- 11 "(e)"; in line 18 after "present" insert "electronically"; and in
- 12 line 20 after the period insert "The Department of Health and
- 13 Human Services shall also annually report electronically to the
- 14 Legislature the percentage growth of medicaid spending for people
- 15 over sixty-five years of age for no fewer than five years following
- 16 acceptance of the application to the State Balancing Incentive
- 17 Payments Program pursuant to section 1 of this act.".

Senator Avery filed the following amendment to LB814A:  
AM2258

- 1 1. On page 2, line 1, strike "\$20,815" and insert
- 2 "\$44,485"; in line 8 strike "\$2,567,000" and insert "\$3,149,883";
- 3 and in line 10 strike "\$2,680,000" and insert "\$3,709,383".

**RESOLUTION****LEGISLATIVE RESOLUTION 424.** Read. Considered.

Committee AM1890, found on page 514, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LR424, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 756.** Placed on General File.**LEGISLATIVE BILL 954.** Placed on General File with amendment.

AM2261

- 1 1. On page 2, line 19, after "vehicles" insert "owned
- 2 and".

(Signed) Annette Dubas, Chairperson

Judiciary

**LEGISLATIVE BILL 784.** Placed on General File.**LEGISLATIVE BILL 963.** Placed on General File.**LEGISLATIVE BILL 964.** Placed on General File.**LEGISLATIVE BILL 1089.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 475.** Introduced by Coash, 27.

WHEREAS, James (Jim) Stuart, Jr., of Lincoln, Nebraska, a prominent banker and businessman, passed away in Scottsdale, Arizona; and

WHEREAS, Jim graduated from the University of Nebraska in 1965 with a degree in business administration, and upon graduation served in the United States Army as a combat helicopter pilot in the Vietnam War; and

WHEREAS, Jim joined Citibank in New York City in 1969 as a loan officer, and joined First Commerce Bancshares (then National Bank of Commerce) in 1973 where he later became chairman and chief executive officer; and

WHEREAS, after leaving First Commerce Bancshares in 2000, Jim opened an investment office with his two eldest sons and managed client portfolios while continuing his civic and political activities; and

WHEREAS, Jim served as chair of both the Lincoln Chamber of Commerce and Downtown Lincoln Association, as a board member of the University of Nebraska Foundation, Nebraska Wesleyan University, the Juvenile Diabetes Research Foundation, and First-Plymouth Congregational Church, and was appointed by the Governor to the Game and Parks Commission and the Nebraska Environmental Trust Board; and

WHEREAS, Jim is survived by his wife, Susan, six children, and nine grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of James Stuart, Jr., and recognizes Jim for his business accomplishments and civic contributions.

2. That a copy of this resolution be sent to the family of James Stuart, Jr.

Laid over.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1001A.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, One Hundred Third Legislature, Second Session, 2014.

### **SENATOR COASH PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 1076.** Title read. Considered.

Committee AM1903, found on page 556, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 692.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 851.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 744.** Title read. Considered.

Committee AM1757, found on page 427, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 744A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**SENATOR GLOOR PRESIDING**

**LEGISLATIVE BILL 853.** Title read. Considered.

Committee AM1937, found on page 755, was offered.

Senator Campbell moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Coash offered the following amendment:  
AM2266 is available in the Bill Room.

The Coash amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORTS**

Revenue

**LEGISLATIVE BILL 558.** Placed on General File.

**LEGISLATIVE BILL 723.** Placed on General File with amendment.  
AM2270

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-1371, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 77-1371 Comparable sales are recent sales of properties
- 6 that are similar to the property being assessed in significant
- 7 physical, functional, and location characteristics and in their
- 8 contribution to value. When using comparable sales in determining
- 9 actual value of an individual property under the sales comparison
- 10 approach provided in section 77-112, the following guidelines shall
- 11 be considered in determining what constitutes a comparable sale:
- 12 (1) Whether the sale was financed by the seller and
- 13 included any special financing considerations or the value of
- 14 improvements;

- 15 (2) Whether zoning affected the sale price of the  
16 property;
- 17 (3) For sales of agricultural land or horticultural land  
18 as defined in section 77-1359, whether a premium was paid to  
19 acquire property. A premium may be paid when proximity or tax  
20 consequences cause the buyer to pay more than actual value for  
21 agricultural land or horticultural land;
- 22 (4) Whether sales or transfers made in connection with  
23 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,  
1 or in consideration of other legal actions should be excluded from  
2 comparable sales analysis as not reflecting current market value;
- 3 (5) Whether sales between family members within the third  
4 degree of consanguinity include considerations that fail to reflect  
5 current market value;
- 6 (6) Whether sales to or from federal or state agencies or  
7 local political subdivisions reflect current market value;
- 8 (7) Whether sales of undivided interests in real property  
9 or parcels less than forty acres or sales conveying only a portion  
10 of the unit assessed reflect current market value;
- 11 (8) Whether sales or transfers of property in exchange  
12 for other real estate, stocks, bonds, or other personal property  
13 reflect current market value;
- 14 (9) Whether deeds recorded for transfers of convenience,  
15 transfers of title to cemetery lots, mineral rights, and rights of  
16 easement reflect current market value;
- 17 (10) Whether sales or transfers of property involving  
18 railroads or other public utility corporations reflect current  
19 market value;
- 20 (11) Whether sales of property substantially improved  
21 subsequent to assessment and prior to sale should be adjusted to  
22 reflect current market value or eliminated from such analysis;
- 23 (12) For agricultural land or horticultural land as  
24 defined in section 77-1359 which is or has been receiving the  
25 special valuation pursuant to sections 77-1343 to 77-1347.01,  
26 whether the sale price reflects a value which the land has for  
27 purposes or uses other than as agricultural land or horticultural  
1 land and therefor does not reflect current market value of other  
2 agricultural land or horticultural land; ~~and~~
- 3 (13) Whether sales or transfers of property are in  
4 a similar market area and have similar characteristics to the  
5 property being assessed; and-
- 6 (14) For agricultural land and horticultural land as  
7 defined in section 77-1359 which is within a class or subclass  
8 of irrigated cropland pursuant to section 77-1363, whether the  
9 difference in well capacity or in water availability due to  
10 federal, state, or local regulatory actions or limited source  
11 affected the sale price of the property. If data on current well  
12 capacity or current water availability is not available from a  
13 federal, state, or local government entity, this subdivision shall

14 not be used to determine what constitutes a comparable sale.  
 15 The Property Tax Administrator may issue guidelines for  
 16 assessing officials for use in determining what constitutes a  
 17 comparable sale. Guidelines shall take into account the factors  
 18 listed in this section and other relevant factors as prescribed by  
 19 the Property Tax Administrator.  
 20 Sec. 2. Original section 77-1371, Revised Statutes  
 21 Cumulative Supplement, 2012, is repealed.

**LEGISLATIVE BILL 885.** Placed on General File with amendment.  
 AM2201

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 77-132, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 77-132 (1) Parcel means a contiguous tract of land  
 6 determined by its boundaries, under the same ownership, and in the  
 7 same tax district and section. Parcel also means an improvement on  
 8 leased land.  
 9 (2) If all or several lots in the same block are owned by  
 10 the same person and are contained in the same subdivision or the  
 11 same tax district, they may be included in one parcel.  
 12 (3) If two or more vacant or unimproved lots in the same  
 13 subdivision or the same tax district are owned by the same person  
 14 and are held for sale or resale, such lots shall be included in one  
 15 parcel if elected to be treated as one parcel by the owner. Such  
 16 election shall be made annually by filing an application with the  
 17 county assessor by June 30.  
 18 (4) For purposes of this section, subdivision means the  
 19 common overall plan or approved preliminary plat.  
 20 Sec. 2. (1) When determining the actual value of two  
 21 or more vacant or unimproved lots in the same subdivision or the  
 22 same tax district that are owned by the same person and are held  
 23 for sale or resale and that were elected to be treated as one  
 1 parcel pursuant to subsection (3) of section 77-132, the county  
 2 assessor shall utilize the income approach, including the use of a  
 3 discounted cash-flow analysis.  
 4 (2) If a county assessor, based on the facts and  
 5 circumstances, believes that the income approach, including the  
 6 use of a discounted cash-flow analysis, does not result in a  
 7 valuation at actual value, then the county assessor shall present  
 8 such facts and circumstances to the county board of equalization.  
 9 If the county board of equalization, based on such facts and  
 10 circumstances, concurs with the county assessor, then the county  
 11 board of equalization shall petition the Tax Equalization and  
 12 Review Commission to consider the county assessor's utilization of  
 13 another professionally accepted mass appraisal technique that,  
 14 based on the facts and circumstances presented by a county  
 15 board of equalization, would result in a substantially different

16 determination of actual value. Petitions must be filed within  
17 thirty days after the property is assessed. Hearings held pursuant  
18 to this section may be held by means of videoconference or  
19 telephone conference. The burden of proof is on the petitioning  
20 county board of equalization to show that failure to make an  
21 adjustment to the professionally accepted mass appraisal technique  
22 utilized would result in a value that is not equitable and in  
23 accordance with the law. At the hearing, the commission may  
24 receive testimony from any interested person. After a hearing, the  
25 commission shall, within the powers granted in section 77-5023,  
26 enter its order based on evidence presented to it at such hearing.  
27 Payment of taxes shall be suspended, without penalty or interest,  
1 until the commission enters its order.

2 Sec. 3. Section 77-5007, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 77-5007 The commission has the power and duty to hear and  
5 determine appeals of:

6 (1) Decisions of any county board of equalization  
7 equalizing the value of individual tracts, lots, or parcels of  
8 real property so that all real property is assessed uniformly and  
9 proportionately;

10 (2) Decisions of any county board of equalization  
11 granting or denying tax-exempt status for real or personal property  
12 or an exemption from motor vehicle taxes and fees;

13 (3) Decisions of the Tax Commissioner determining the  
14 taxable property of a railroad company, car company, public service  
15 entity, or air carrier within the state;

16 (4) Decisions of the Tax Commissioner determining  
17 adjusted valuation pursuant to section 79-1016;

18 (5) Decisions of any county board of equalization on  
19 the valuation of personal property or any penalties imposed under  
20 sections 77-1233.04 and 77-1233.06;

21 (6) Decisions of any county board of equalization on  
22 claims that a levy is or is not for an unlawful or unnecessary  
23 purpose or in excess of the requirements of the county;

24 (7) Decisions of any county board of equalization  
25 granting or rejecting an application for a homestead exemption;

26 (8) Decisions of the Department of Motor Vehicles  
27 determining the taxable value of motor vehicles pursuant to section  
1 60-3,188;

2 (9) Decisions of the Tax Commissioner made under section  
3 77-1330;

4 (10) Any other decision of any county board of  
5 equalization;

6 (11) Any other decision of the Tax Commissioner regarding  
7 property valuation, exemption, or taxation;

8 (12) Decisions of the Tax Commissioner pursuant to  
9 section 77-3520;

10 (13) Final decisions of a county board of equalization



11 appealed by the Tax Commissioner or Property Tax Administrator  
 12 pursuant to section 77-701; ~~and~~  
 13 (14) The requirement under section 2 of this act that  
 14 the income approach, including the use of a discounted cash-flow  
 15 analysis, be used by county assessors; and  
 16 ~~(14)-(15)~~ Any other decision, determination, action, or  
 17 order from which an appeal to the commission is authorized.  
 18 The commission has the power and duty to hear and grant  
 19 or deny relief on petitions.  
 20 Sec. 4. Original section 77-132, Reissue Revised Statutes  
 21 of Nebraska, and section 77-5007, Revised Statutes Cumulative  
 22 Supplement, 2012, are repealed.

(Signed) Galen Hadley, Chairperson

Judiciary

**LEGISLATIVE BILL 962.** Placed on General File with amendment.  
 AM1983

- 1 1. On page 2, lines 17 through 22, strike the new matter
- 2 and reinstate the stricken matter.

**LEGISLATIVE BILL 1044.** Placed on General File with amendment.  
 AM2191

- 1 1. On page 3, line 15, strike "pursuant to" and insert
- 2 "and posted a notice on the mobile home, stating that the mobile
- 3 home is subject to sale or auction or vesting of title as set forth
- 4 in"; and in line 25 after "71-4603" insert ". Mobile home does not
- 5 include a mobile home or manufactured home for which an affidavit
- 6 of affixture has been recorded pursuant to section 60-169".

**LEGISLATIVE BILL 1093.** Placed on General File with amendment.  
 AM2279

- 1 1. Strike section 2 and insert the following section:
- 2 Sec. 2. (1) It is the intent of the Legislature to
- 3 transfer four hundred fifty thousand dollars in General Funds from
- 4 the Department of Health and Human Services' 2014-15 budget to the
- 5 office of the State Court Administrator's budget for the purpose
- 6 of making the State Court Administrator directly responsible for
- 7 contracting and paying for court-connected prehearing conferences,
- 8 family group conferencing, expedited family group conferencing,
- 9 child welfare mediation, permanency prehearing conferences,
- 10 termination of parental rights prehearing conferences, juvenile
- 11 victim-offender dialogue, and other related services. Such funds
- 12 shall be transferred on or before October 15, 2014.
- 13 (2) The Department of Health and Human Services
- 14 shall continue to be responsible for contracting with Office
- 15 of Dispute Resolution-approved mediation centers to provide
- 16 family group conferencing, mediation, and related services for

17 non-court-involved and voluntary child welfare or juvenile cases  
 18 through June 30, 2017, unless extended by the Legislature.  
 19 2. Strike beginning on page 2, line 20, through page 3,  
 20 line 2, and insert:  
 21 "(a) Expedited family group conferencing service means  
 22 an expedited and limited-scope facilitated planning meeting which  
 23 engages a child's or juvenile's parents, the child or juvenile  
 1 themselves when appropriate, other critical family members,  
 2 services providers, and either Department of Health and Human  
 3 Services staff or Office of Probation Administration staff to  
 4 address immediate placement issues for the child or juvenile;  
 5 (b) Family group conferencing service means a facilitated  
 6 meeting involving a child's or juvenile's family, the child or  
 7 juvenile themselves when appropriate, available extended family  
 8 members from across the United States, other significant and close  
 9 persons to the family, service providers, and either Department  
 10 of Health and Human Services staff or Office of Probation  
 11 Administration staff to develop a family-centered plan for the  
 12 best interests of the child and to address the essential issues of  
 13 safety, permanency, and well-being of the child;".

(Signed) Brad Ashford, Chairperson

Natural Resources

**LEGISLATIVE BILL 686.** Placed on General File with amendment.  
 AM2280

- 1 1. On page 2, line 20, after "each" insert "calendar";
- 2 and in line 21 after "acres" insert "for the same calendar year".

**LEGISLATIVE BILL 710.** Placed on General File with amendment.  
 AM2281

- 1 1. On page 2, line 8, strike "outside" through
- 2 "district"; and strike beginning with "After" in line 10 through
- 3 line 13.

**LEGISLATIVE BILL 896.** Placed on General File with amendment.  
 AM2133

- 1 1. On page 11, strike beginning with "If" in line 11
- 2 through "land" in line 13 and insert "Following refusal of a
- 3 landowner to discontinue an activity causing erosion described in
- 4 this section and to establish a plan and schedule for eliminating
- 5 excess erosion pursuant to subsection (2) of this section."

(Signed) Tom Carlson, Chairperson

## Revenue

**LEGISLATIVE BILL 761.** Placed on General File with amendment.  
AM2257

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 77-367, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 77-367 (1) The Department of Revenue may contract to  
6 procure products and services to develop, deploy, or administer  
7 systems or programs which identify nonfilers of returns,  
8 underreporters, or nonpayers of taxes administered by the  
9 department or improper or fraudulent payments made through programs  
10 administered by the department. The department shall enter into  
11 at least one such contract by October 31, 2014, and such contract  
12 shall be for the purposes of identifying nonfilers of returns with  
13 a tax liability in any amount and underreporters and nonpayers of  
14 taxes with an outstanding tax liability of at least five thousand  
15 dollars. Fees for services, reimbursements, costs incurred by the  
16 department, or other remuneration may be funded from the amount of  
17 tax, penalty, interest, or other recovery actually collected and  
18 shall be paid only after the amount is collected. The Legislature  
19 intends to appropriate an amount from the tax, penalty, interest,  
20 and other recovery actually collected, not to exceed the amount  
21 collected, which is sufficient to pay for services, reimbursements,  
22 costs incurred by the department, or other remuneration pursuant to  
23 this section. Vendors entering into a contract with the department  
1 pursuant to this section are subject to the requirements and  
2 penalties of the confidentiality laws of this state regarding tax  
3 information.  
4 (2) Ten percent of all proceeds received during each  
5 calendar year due to the contracts entered into pursuant to this  
6 section shall be deposited in the Department of Revenue Enforcement  
7 Fund for purposes of identifying nonfilers, underreporters,  
8 nonpayers, and improper or fraudulent payments.  
9 (3) The Tax Commissioner shall submit electronically an  
10 annual report to the Revenue Committee of the Legislature and  
11 Appropriations Committee of the Legislature on the amount of  
12 dollars generated during the previous fiscal year pursuant to this  
13 section.  
14 Sec. 2. Original section 77-367, Revised Statutes  
15 Cumulative Supplement, 2012, is repealed.

(Signed) Galen Hadley, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 790A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 790, One Hundred Third Legislature, Second Session, 2014.

**AMENDMENTS - Print in Journal**

Senator Dubas filed the following amendment to LB946:  
AM2204

(Amendments to Standing Committee amendments, AM2047)

- 1 1. On page 3, line 22, strike "may employ", show
- 2 as stricken, and insert "shall appoint"; in line 24 strike
- 3 "employment," show as stricken, and insert "appointment"; strike
- 4 beginning with "to" in line 25 through "including" in line 26, show
- 5 as stricken, and insert "shall specify the responsibility of the
- 6 appointee to carry out the statutory duties of the office of county
- 7 surveyor and shall specify"; and in line 27 after "surveyor" insert
- 8 "for the performance of such duties".
- 9 2. On page 4, line 1, reinstate the stricken "A";
- 10 in lines 2 through 6 strike the new matter; in line 6 before
- 11 "surveyor" insert "county", strike "employed", show as stricken,
- 12 and insert "appointed", and reinstate the stricken matter; in line
- 13 8 strike "(4)" and insert "(3)" and strike "employed or"; and in
- 14 line 10 strike "employment or" and show the old matter as stricken.

Senator Hadley filed the following amendment to LB905:  
FA243

Amend AM2019

On Page 7, line 1 change from \$25,000,000 to \$45,000,000

Line 2 change from \$25,000,000 to \$45,000,000

Line 4 change from \$25,000,000 to \$45,000,000.

**COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR424.

(Signed) John Murante, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 424.** Introduced by Lathrop, 12; Coash, 27; McGill, 26.

WHEREAS, Nikko Jenkins, a former inmate of the Department of Correctional Services, stands charged with three separate homicides, and each homicide is alleged to have occurred after Jenkins was released from the Department of Correctional Services on July 30, 2013; and

WHEREAS, the office of the Public Counsel (Ombudsman) released a report on January 6, 2014, which chronicled Jenkins' involvement with the Department of Correctional Services. The report detailed Jenkins' sentences, good time allowed, and multiple attempts to secure mental health treatment. The report also included various general impressions and observations regarding the segregation of inmates, the transition of inmates from incarceration to the community at large, the allowance of good time, mental health services for inmates, and the civil commitments of inmates; and

WHEREAS, the report was presented by the Ombudsman to Mike Kenney, director of the Department of Correctional Services, and to the deputy director for health services at the Department of Correctional Services to permit them an opportunity to submit comments to the report prior to its release. The response tendered by the Department of Correctional Services simply disputed the factual allegations of the report, and public remarks by Governor Dave Heineman impeached the veracity of the report by suggesting that the Ombudsman's office was "soft on crime"; and

WHEREAS, the circumstances of Jenkins' release has understandably generated intense public interest as evidenced by countless news stories concerning his release and the subsequent homicides, and the Ombudsman's report and the Governor's impeachment of the report have created confusion among the public regarding the circumstances of Jenkins' release and the policies and practices of the Department of Correctional Services that contributed to his early release; and

WHEREAS, the citizens of Nebraska have a right to know the details of Jenkins' incarceration, including his threats to kill upon release and his pleas for a mental health commitment, the details of his release, and the opportunities the Department of Correctional Services had to withhold or revoke good time and diminish, through mental health care, his dangerous propensities prior to his release; and

WHEREAS, the Legislature must fully understand the policies and procedures of the Department of Correctional Services, an agency within the executive branch of state government, in order to determine if those policies and procedures in any manner contributed to Jenkins' release into the community at large.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Department of Correctional Services Special

Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the circumstances of Nikko Jenkins' incarceration and release including, but not limited to, the following:

(a) Jenkins' criminal history and the sentences received for each conviction;

(b) Jenkins' juvenile justice and child welfare involvements;

(c) The history of Nebraska's good time laws and the policies or practices of the Department of Correctional Services administering how the good time laws and policies were applied to Jenkins' multiple sentences;

(d) The occasions when Jenkins, during his incarcerations, threatened to kill upon his release from the Department of Correctional Services and the department's response to each threat;

(e) Each occasion when Jenkins requested mental health treatment or commitment to the Lincoln Regional Center or similar placement and the department's response to each request;

(f) The extent to which Jenkins' release was related to prison overcrowding; and

(g) All communications by any state employee or elected official concerning Jenkins' release or regarding any of the matters listed in (a) through (f) above.

3. That the committee shall also study the following with respect to the Department of Correctional Services:

(a) The adequacy of programs designed to rehabilitate inmates;

(b) The funding history of programs designed to rehabilitate inmates;

(c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;

(d) The policies relating to the segregation of inmates;

(e) The transition of inmates from incarceration to the community at large;

(f) The administration of good time laws; and

(g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted, and the reasons if any recommendations were not adopted.

4. That the committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2014.

**VISITORS**

Visitors to the Chamber were Jerrie Michaelson from Lincoln; Senator Adams' mother, Lois Hammer and friend, Gene Bannoche, from Minneapolis, MN; 9 fourth-grade students, teacher, and sponsors from Christ Lutheran, Lincoln; and 41 fourth-grade students and teachers from Harrison Elementary, Omaha.

**ADJOURNMENT**

At 1:28 p.m., on a motion by Senator Murante, the Legislature adjourned until 10:00 a.m., Monday, March 10, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

