

**TWENTY-SEVENTH DAY - FEBRUARY 18, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 18, 2014

**PRAYER**

The prayer was offered by Father Charles Kestermeier, Creighton University, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Scheer who was excused; and Senators Campbell, Dubas, Harms, Mello, Watermeier, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 438.** Placed on Select File with amendment.  
ER136

- 1 1. In the Sullivan amendment, AM1580, on page 3, line 2,
- 2 strike "Members" and insert "Any member".
- 3 2. On page 1, line 1, strike "education" and insert
- 4 "the Quality Education Accountability Act"; and strike beginning
- 5 with "provide" in line 3 through the first semicolon in line
- 6 4 and insert "change provisions relating to the accountability
- 7 system for schools and school districts; to provide for designation
- 8 of priority schools, appointment of intervention teams, and
- 9 development of progress plans; to require reports;".

**LEGISLATIVE BILL 740.** Placed on Select File.

(Signed) John Murante, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 371.** Placed on Final Reading Second.

(Signed) John Murante, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 442.** Introduced by Coash, 27.

WHEREAS, Donald (Don) R. Everett, Sr., of Lincoln, was born in 1943 to Wilbert and Sarah (Sally) Everett; and

WHEREAS, Don began working with his mother at the Runza near Pioneers Park in Lincoln in 1964, and two years later incorporated the business and opened his first Runza Drive-Inn Restaurant at 56th and Holdrege Streets in Lincoln; and

WHEREAS, Don's chain of Runza restaurants eventually grew to over 80 stores located in Nebraska, Colorado, Iowa, and Kansas. Runza received numerous awards under Don's management, including the Chamber Cornerstone Award, the National Restaurant Association Restaurant Neighbor Award, and the Rotary-Chamber Salute to Business Award; and

WHEREAS, Don also received the Nebraska Restaurateur of the Year Award and the United States Small Business Administration Award for Entrepreneurial Success, and was inducted into the Nebraska Business Hall of Fame, the Omaha Hospitality Hall of Fame, and the Lincoln Southeast High School Athletic Hall of Fame; and

WHEREAS, Don was very competitive in business and sports and always loved the underdog. He took great pride in the successful careers of thousands of his young employees and loved his grandchildren, several of whom also worked at his restaurants; and

WHEREAS, Don passed away on February 11, 2014, at age 70, and is survived by his wife, Sandra, three children, and eight grandchildren.

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

1. That the Legislature expresses its condolences to the family of Donald R. Everett and recognizes Don's entrepreneurial spirit and contributions to his home community of Lincoln and the State of Nebraska.

2. That a copy of this resolution be sent to the family of Donald R. Everett.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 661A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 661, One Hundred Third Legislature, Second Session, 2014.

**MESSAGES FROM THE GOVERNOR**

February 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Marla Bruder, 129 County Road 2500, Denton, NE 68339  
Edward F. Hoffman, 3845 Randolph Street, Lincoln, NE 68510  
Janelle Holt, 14234 Woolworth Circle, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission of Industrial Relations:

David J. Patsch, 2016 1st Avenue, Nebraska City, NE 68410

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**MOTIONS - Approve Appointments**

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 472:

Public Employees Retirement Board  
Janis N. Elliott

Voting in the affirmative, 30:

Adams	Christensen	Hansen	Krist	Pirsch
Avery	Cook	Howard	Larson	Schilz
Bloomfield	Crawford	Janssen	Lautenbaugh	Schumacher
Brasch	Davis	Karpisek	Murante	Seiler
Carlson	Garrett	Kintner	Nelson	Sullivan
Chambers	Gloor	Kolowski	Nordquist	Wallman

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Conrad	Harr, B.	McCoy
Bolz	Haar, K.	Johnson	McGill
Coash	Hadley	Lathrop	Smith

Excused and not voting, 7:

Campbell	Harms	Scheer	Wightman
Dubas	Mello	Watermeier	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 487:

- Nebraska Educational Telecommunications Commission
- Kenneth Bird
- Frederik Ohles
- J. Richard Shoemaker

Voting in the affirmative, 37:

- |            |             |          |             |            |
|------------|-------------|----------|-------------|------------|
| Adams      | Christensen | Harr, B. | Larson      | Schilz     |
| Avery      | Conrad      | Howard   | Lautenbaugh | Schumacher |
| Bloomfield | Cook        | Janssen  | McCoy       | Smith      |
| Bolz       | Crawford    | Johnson  | Mello       | Sullivan   |
| Brasch     | Davis       | Karpisek | Murante     | Wallman    |
| Campbell   | Garrett     | Kintner  | Nelson      |            |
| Carlson    | Gloor       | Kolowski | Nordquist   |            |
| Chambers   | Hansen      | Krist    | Pirsch      |            |

Voting in the negative, 0.

Present and not voting, 7:

- |         |          |         |        |
|---------|----------|---------|--------|
| Ashford | Haar, K. | Lathrop | Seiler |
| Coash   | Hadley   | McGill  |        |

Excused and not voting, 5:

- |       |       |        |            |          |
|-------|-------|--------|------------|----------|
| Dubas | Harms | Scheer | Watermeier | Wightman |
|-------|-------|--------|------------|----------|

The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 510:

- Nebraska Power Review Board
- Dennis E. Grennan

Voting in the affirmative, 41:

- |             |          |             |            |            |
|-------------|----------|-------------|------------|------------|
| Adams       | Cook     | Harr, B.    | McCoy      | Smith      |
| Bloomfield  | Crawford | Howard      | Mello      | Sullivan   |
| Bolz        | Davis    | Johnson     | Murante    | Wallman    |
| Brasch      | Dubas    | Karpisek    | Nelson     | Watermeier |
| Campbell    | Gloor    | Kintner     | Nordquist  | Wightman   |
| Carlson     | Haar, K. | Kolowski    | Pirsch     |            |
| Chambers    | Hadley   | Krist       | Schilz     |            |
| Christensen | Hansen   | Larson      | Schumacher |            |
| Coash       | Harms    | Lautenbaugh | Seiler     |            |

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Conrad	Janssen	McGill
Avery	Garrett	Lathrop	

Excused and not voting, 1:

Scheer

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 511:

Game and Parks Commission  
Rex Fisher

Voting in the affirmative, 34:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Johnson	Mello	Seiler
Bloomfield	Crawford	Karpisek	Murante	Smith
Brasch	Gloor	Kintner	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Chambers	Hansen	Krist	Pirsch	Wightman
Christensen	Harms	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Coash	Garrett	Janssen	McGill
Bolz	Davis	Hadley	Lathrop	Sullivan
Campbell	Dubas	Howard	Lautenbaugh	

Excused and not voting, 1:

Scheer

The appointment was confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 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 528:

State Electrical Board  
 Stanley Elsasser  
 George Morrissey

Voting in the affirmative, 34:

Adams	Cook	Harms	Larson	Schumacher
Bloomfield	Crawford	Harr, B.	McCoy	Seiler
Brasch	Davis	Johnson	Murante	Smith
Campbell	Dubas	Karpisek	Nelson	Wallman
Chambers	Garrett	Kintner	Nordquist	Watermeier
Christensen	Haar, K.	Kolowski	Pirsch	Wightman
Conrad	Hadley	Krist	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Carlson	Hansen	Lathrop	Mello
Avery	Coash	Howard	Lautenbaugh	Sullivan
Bolz	Gloor	Janssen	McGill	

Excused and not voting, 1:

Scheer

The appointments were confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 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 528:

Nebraska Arts Council  
 Candy Henning  
 Mark Laughlin  
 Melissa Marvin

Voting in the affirmative, 29:

Adams	Crawford	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Johnson	McCoy	Schumacher
Brasch	Garrett	Karpisek	Mello	Seiler
Chambers	Gloor	Kintner	Murante	Smith
Conrad	Haar, K.	Kolowski	Nelson	Wightman
Cook	Harms	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 19:

Ashford	Carlson	Hadley	Larson	Sullivan
Avery	Christensen	Hansen	Lathrop	Wallman
Bolz	Coash	Howard	McGill	Watermeier
Campbell	Davis	Janssen	Nordquist	

Excused and not voting, 1:

Scheer

The appointments were confirmed with 29 ayes, 0 nays, 19 present and not voting, and 1 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 528:

Nebraska Commission on Problem Gambling  
Edward F. Hoffman

Voting in the affirmative, 31:

Bloomfield	Garrett	Karpisek	Mello	Seiler
Campbell	Gloor	Kintner	Murante	Smith
Carlson	Haar, K.	Kolowski	Nelson	Wightman
Chambers	Hadley	Krist	Nordquist	
Conrad	Harms	Larson	Pirsch	
Crawford	Harr, B.	Lautenbaugh	Schilz	
Dubas	Johnson	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 17:

Adams	Brasch	Davis	Lathrop	Watermeier
Ashford	Christensen	Hansen	McGill	
Avery	Coash	Howard	Sullivan	
Bolz	Cook	Janssen	Wallman	

Excused and not voting, 1:

Scheer

The appointment was confirmed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.



**GENERAL FILE**

**LEGISLATIVE BILL 438A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 838.** Considered.

Advanced to Enrollment and Review for Engrossment.

**CORRECTED NOTICE OF COMMITTEE HEARING**

Appropriations

Room 1003

Wednesday, February 19, 2014 ~~8:30 a.m.~~ 1:30 p.m.

Agency 23  
LB1023  
LB1047  
LB1114  
LB1019

(Signed) Heath Mello, Chairperson

**NOTICE OF COMMITTEE HEARING**

Transportation and Telecommunications

Room 1113

Tuesday, February 25, 2014 1:30 p.m.

LB667  
LB756  
LB847  
LB1071

(Signed) Annette Dubas, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 443.** Introduced by Hadley, 37.

WHEREAS, Kevin Witte, a Kearney High School social studies teacher, has received the 2013-14 Milken Educator Award; and

WHEREAS, the Milken Educator Awards program, considered the "Oscars of Teaching," rewards and inspires excellence in the world of education by honoring top educators around the country with \$25,000 unrestricted awards. The Milken Educator Award targets early-to-mid career education professionals for their already impressive achievements and, more significantly, for the promise of what they will accomplish in the future; and

WHEREAS, Kevin teaches World Geography, World History, Advanced Placement World History, and American History at Kearney High School. Kevin also developed the curriculum to create a well-received new course called International Wealth and Poverty. Kevin uses his overseas travels to enrich the classroom experience for his students beyond textbooks, and in the process shows them that being a true scholar is an exciting and relevant endeavor; and

WHEREAS, Kevin's teaching style, which encourages critical thinking and ensures comprehension every step of the way, shows his commitment to putting students on the path of lifelong learning. Kevin has gone above and beyond in his profession, as well as in his personal education, by embarking on purposeful global journeys, earning two master's degrees in history and education while working, and teaching himself Latin during his lunch breaks; and

WHEREAS, outside of the classroom, Kevin takes advantage of opportunities to impact even more students by mentoring new teachers, by serving on numerous committees for Kearney Public Schools, and by recently playing an important role in revising Nebraska's social studies standards at the state level.

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

1. That the Legislature congratulates Kevin Witte on receiving the 2013-14 Milken Educator Award and expresses its gratitude for his dedication to our state's students and to the future of education.

2. That a copy of this resolution be sent to Kevin Witte.

Laid over.

**LEGISLATIVE RESOLUTION 444.** Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Adams, 24; Dubas, 34; Krist, 10; Mello, 5; Watermeier, 1; Wightman, 36.

WHEREAS, the Legislative Performance Audit Committee issued a report in February 2013 after examining Nebraska's business tax incentive programs; and

WHEREAS, the overarching finding of the audit conducted by the committee was that the program goals expressed by the Legislature in statute and during legislative debate are too general to permit a meaningful evaluation of whether the programs are accomplishing those goals; and

WHEREAS, the state has granted millions of dollars in tax refunds and credits to qualifying businesses, and the businesses using those incentives have invested millions of dollars in the state and have created new jobs, but

it remains unclear how much of that business activity may have occurred without the tax incentives; and

WHEREAS, the initiation and development of an in-depth and ongoing system of review of Nebraska's tax incentive programs is needed to determine the value of those programs to the state.

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

1. The Tax Incentive Evaluation Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Legislative Performance Audit Committee;
- (b) The chairperson and vice-chairperson of the Appropriations Committee;
- (c) The chairperson and vice-chairperson of the Revenue Committee; and
- (d) One other member of the Legislature selected by the Executive Board of the Legislative Council.

2. The chairperson of the Legislative Performance Audit Committee shall serve as the chairperson of the Tax Incentive Evaluation Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives enumerated in this resolution.

3. In consultation with interested stakeholders, the Tax Incentive Evaluation Committee shall be tasked with, but not be limited to, developing recommendations for the following:

- (a) Specific and measurable goals for each tax incentive program, including the Nebraska Advantage Act, the Nebraska Advantage Rural Development Act, the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, the Beginning Farmer Tax Credit Act, and the Angel Investment Tax Credit Act;
- (b) A process for the regular evaluation of tax incentives;
- (c) Who should conduct the evaluations and what types of metrics should be used;
- (d) How often the evaluations should be conducted; and
- (e) Proposed legislation to put requirements for ongoing evaluations in statute.

4. The Tax Incentive Evaluation Committee may hold public hearings and shall issue a report to the Executive Board of the Legislative Council not later than December 15, 2014. The report may make any recommendations to update or restructure Nebraska's tax incentive programs, and include proposed language for any needed legislation. The committee shall also identify any areas on this subject requiring further study and analysis. The report to the Legislature shall be submitted electronically.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR444 was referred to the Reference Committee.

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 867.** Placed on General File with amendment. AM1954 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

Health and Human Services

**LEGISLATIVE BILL 728.** Placed on General File.

**LEGISLATIVE BILL 854.** Placed on General File.

**LEGISLATIVE BILL 898.** Placed on General File.

**LEGISLATIVE BILL 1076.** Placed on General File with amendment. AM1903

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 68-901, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 68-901 Sections 68-901 to 68-974 and section 2 of this  
 6 act shall be known and may be cited as the Medical Assistance Act.  
 7 Sec. 2. (1) The Legislature finds that:  
 8 (a) The federal Patient Protection and Affordable  
 9 Care Act of 2010, Public Law 111-148, provides for medicaid  
 10 reimbursement for programs to permit disabled adults and the  
 11 elderly to continue living in their homes and not in long-term care  
 12 facilities;  
 13 (b) States may apply for federal funds to implement such  
 14 programs which are intended to enhance opportunities for living  
 15 in community-based settings rather than long-term care facilities,  
 16 improve systems' performance and efficiency, create tools to help  
 17 consumers with care planning and assessment, and improve quality  
 18 measurement and oversight; and  
 19 (c) A number of states are participating in such  
 20 programs, and when completed the results of the programs will  
 21 be available to all states.  
 22 (2) Effective January 1, 2014, for medicaid authorization  
 23 and payment for medically necessary home health care services,  
 1 there shall be no reduction in reimbursement rates and no changes  
 2 in limitation on services, including, but not limited to, more  
 3 than one home health visit in a day to provide skilled nursing  
 4 services, nursing services, and aide services until the State  
 5 Balancing Incentive Payments Program pursuant to section 10202 of  
 6 the federal Patient Protection and Affordable Care Act of 2010,  
 7 as such section existed on January 1, 2014, has been completed by  
 8 the participating states and the Department of Health and Human  
 9 Services has reviewed the results of the program and assessed  
 10 and determined how Nebraska's provision of medicaid home health

- 11 services can be improved.  
12 Sec. 3. This act becomes operative on January 1, 2014.  
13 Sec. 4. Original section 68-901, Revised Statutes  
14 Cumulative Supplement, 2012, is repealed.  
15 Sec. 5. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Donald L. Harmon - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Becky Rieken - Commission for the Blind and Visually Impaired

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Trisha Crandall - Nebraska Child Abuse Prevention Fund Board  
Lisa L. Knoche - Nebraska Child Abuse Prevention Fund Board  
Brandon Verzal - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeromy Warner - State Board of Health

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**ANNOUNCEMENT**

Senator Wightman designates LB788 as his priority bill.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 814A.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, One Hundred Third Legislature, Second Session, 2014.

**GENERAL FILE**

**LEGISLATIVE BILL 191.** Committee AM707, found on page 1736, First Session, 2013, and considered on page 540, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Nordquist offered his amendment, AM1935, found on page 541.

Senator Schumacher offered the following amendment to the Nordquist amendment:

AM1971

(Amendments to AM1935)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendments:
- 3 1. On page 8, strike beginning with "All" in line 2
- 4 through line 17 and insert "The officer shall no less than annually
- 5 during the recapture period set forth in this section inspect
- 6 the historically significant real property to determine whether
- 7 any work has occurred on the property that would diminish its
- 8 historic significance. All or a portion of the credit received
- 9 under section 3 of this act shall be subject to recapture by the
- 10 Department of Revenue from the foreclosure of a lien which shall,
- 11 as a condition of the department issuing credits under section
- 12 3 of this act, be imposed on the historically significant real
- 13 property as a lien having the priority of a tax lien or shall be
- 14 subject to recapture by the Department of Revenue directly from
- 15 the person owning the historically significant real property on the
- 16 date the recapture event occurred, which date shall be determined
- 17 by the officer, if at any time during the twenty years after
- 18 the historically significant real property is placed into service
- 19 the officer determines the historically significant real property
- 20 has been the subject of work not in substantial conformance with
- 21 any ordinance approved by the officer as described in subdivision

22 (2)(c) or (2)(d) of section 2 of this act, the standards, the  
 1 approved application, or the documents from which the credit was  
 2 calculated. If the person owning the historically significant real  
 3 property on the date the officer determines the recapture event  
 4 occurred is a corporation having an election in effect under  
 5 subchapter S of the Internal Revenue Code of 1986, as amended,  
 6 a partnership, or a limited liability company, the liability of  
 7 the shareholders, partners, or members for recapture shall be  
 8 proportionate to their ownership in the applicable corporation,  
 9 partnership, or limited liability company. If the person owning  
 10 the historically significant real property on the date the officer  
 11 determines the recapture event occurred is a corporation which is  
 12 not a corporation having an election in effect under subchapter S  
 13 of the Internal Revenue Code of 1986, as amended, the directors  
 14 and principal officers of such corporation shall be jointly and  
 15 severally liable for recapture. Any action to recapture credits  
 16 under this section may proceed after a written notice is given to  
 17 the person owning the historically significant real property on the  
 18 date the officer determines the recapture event occurred and such  
 19 person is allowed a six-month cure period. Thereafter, the lien  
 20 imposed pursuant to this section shall be subject to foreclosure  
 21 in the same manner as a tax lien is foreclosed and the credit  
 22 shall be subject to recapture directly from the person owning the  
 23 historically significant real property on the date the recapture  
 24 event occurred as follows:"; and in lines 19, 22, and 25 strike  
 25 "year" and insert "four-year period".  
 26 2. On page 9, lines 3 and 7, strike "year" and insert  
 27 "four-year period".  
 1 3. On page 10, strike beginning with "filing" in line  
 2 3 through "act" in line 4 and insert "owning the historically  
 3 significant real property on the date the officer determines the  
 4 recapture event occurred".

#### **SPEAKER ADAMS PRESIDING**

Pending.

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 434, 435, 436, 437, 438, and 439 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 434, 435, 436, 437, 438, and 439.

**NOTICE OF COMMITTEE HEARING**

Agriculture

Room 1510

Tuesday, February 25, 2014 1:30 p.m.

LR427

(Signed) Ken Schilz, Chairperson

**AMENDMENT - Print in Journal**Senator Schumacher filed the following amendment to LB191:

FA200

Insert immediately prior to the word "or" on page 3, line 15, the following:  
", political subdivision,"**ANNOUNCEMENTS**

Senator Davis designates LB402 as his priority bill.

The Legislative Performance Audit Committee designates LB836 as its priority bill.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Kintner asked unanimous consent to add his name as cointroducer to LB191. No objections. So ordered.

Senator Johnson asked unanimous consent to add his name as cointroducer to LB191. No objections. So ordered.

Senators Christensen, Hansen, Harms, Karpisek, Mello, Seiler, and Wallman asked unanimous consent to add their names as cointroducers to LB1057. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of Leadership Beatrice; 50 members of the Nebraska Firearms Owners Association from across the state; members of the League of Women Voters of Nebraska, American Association of University Women of Nebraska, and 7 student guests from across the state; and Karl and James Gaiser.

The Doctor of the Day was Dr. Keim from Lincoln.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Cook, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature