

TWENTY-EIGHTH DAY - FEBRUARY 17, 2021**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 2021

PRAYER

The prayer was offered by Senator Hilkemann.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Lowe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Brewer and Lindstrom who were excused; and Senators B. Hansen, Hunt, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 242. Placed on General File with amendment.

AM233

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 13-2904 (1) Notwithstanding the procedures for public lettings in
6 sections 73-101 to 73-106 or any other statute relating to the letting of
7 bids by a political subdivision, a political subdivision which follows
8 the Political Subdivisions Construction Alternatives Act may solicit and
9 execute a design-build contract or a construction management at risk
10 contract.
11 (2) The governing body of the political subdivision shall adopt a

12 resolution selecting the design-build contract or construction management
 13 at risk contract delivery system provided under the act prior to
 14 proceeding with the provisions of sections 13-2905 to 13-2914. The
 15 resolution shall require the affirmative vote of at least two-thirds of
 16 the governing body of the political subdivision.
 17 (3) For projects described under subsection (2) of section 13-2914,
 18 the governing body of the political subdivision may adopt a resolution
 19 which provides for project payment on a set schedule over a period of
 20 time that extends beyond the completion of construction.
 21 Sec. 2. Section 13-2914, Revised Statutes Cumulative Supplement,
 22 2020, is amended to read:
 23 13-2914 (1) Except as specifically provided in subsection (2) of
 24 this section, a political subdivision shall not use a design-build
 25 contract or construction management at risk contract under the Political
 26 Subdivisions Construction Alternatives Act for a project, in whole or in
 27 part, for road, street, highway, water, wastewater, utility, or sewer
 1 construction, except that a city of the metropolitan class may use a
 2 design-build contract or construction management at risk contract for the
 3 purpose of complying with state or federal requirements to control or
 4 minimize overflows from combined sewers.
 5 (2) A political subdivision may use a design-build contract or
 6 construction management at risk contract under the Political Subdivisions
 7 Construction Alternatives Act for a project, in whole or in part, to
 8 repair, retrofit, reconstruct, or replace any bridge.
 9 Sec. 3. Original section 13-2904, Reissue Revised Statutes of
 10 Nebraska, and section 13-2914, Revised Statutes Cumulative Supplement,
 11 2020, are repealed.

LEGISLATIVE BILL 250. Placed on General File with amendment.
[AM232](#) is available in the Bill Room.

(Signed) Matt Hansen, Vice Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 78. Placed on General File.
LEGISLATIVE BILL 343. Placed on General File.

LEGISLATIVE BILL 616. Placed on General File with amendment.
[AM107](#)

1 1. On page 3, line 1; and page 5, line 19, strike "or" and insert
 2 "and".

(Signed) Curt Friesen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
 Health and Human Services
 Room 1510

Wednesday, February 24, 2021 1:30 p.m.
 LB392

Wednesday, February 24, 2021 9:30 a.m.
Russell Crotty - State Board of Health
Timothy A. Tesmer - State Board of Health
Michael Kotopka - State Board of Health
Mark R. Patefield - State Board of Health
Dan Vehle - State Board of Health
Robert (Bud) Synhorst - State Board of Health
Joshua Dale Sevier - Commission for the Deaf and Hard of Hearing

(Signed) John Arch, Chairperson

Appropriations
Room 1525

Wednesday, February 24, 2021 9:30 a.m.
Agency 28 - Veterans' Affairs, Department of
Agency 25 - Health and Human Services
Note: (Devison of Development Disabilities, Children and Family
Services, Behavioral Health)

Wednesday, February 24, 2021 1:30 p.m.
LB464
LB465
LB493
LB225

Thursday, February 25, 2021 9:30 a.m.
Agency 25 - Health and Human Services
Note: (Operations, Medicaid and Long Term Care, Public Health)

Thursday, February 25, 2021 1:30 p.m.
LB426
LB185
LB585
LB662
LB421
LB340
LB462

Friday, February 26, 2021 9:30 a.m.
Agency 29 - Natural Resources, Department of
Agency 52 - State Fair Board
Agency 84 - Environmental Quality, Department of
Agency 33 - Game and Parks Commission
LB449
LB469

Friday, February 26, 2021 1:30 p.m.
Agency 54 - Historical Society, Nebraska State
Agency 72 - Economic Development, Department of
Agency 91 - Nebraska Tourism Commission
LB27
LB279
LB391
LB42
LB208
LB566
LB526

(Signed) John Stinner, Chairperson

Executive Board
Room 1525

Wednesday, February 24, 2021 12:00 p.m.
LB605
LB123
LB247

Thursday, February 25, 2021 12:00 p.m.
LB212
LR25
LR28

Room 1524

Monday, March 1, 2021 12:00 p.m.
LB393
LB657

(Signed) Dan Hughes, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bessmer, Joel R. - State Board of Health - Health and Human Services
Dinsdale, Tom S. - Nebraska State Fair Board - Agriculture
Ostdiek, Donald - State Board of Health - Health and Human Services
Palmer, Colton - State Board of Health - Health and Human Services
Reese, David J. - State Board of Health - Health and Human Services

(Signed) Dan Hughes, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator J. Cavanaugh filed the following amendment to [LB484](#):
[AM205](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-518, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-518 (1) Theft constitutes a Class IIA felony when the value of
6 the thing involved is ~~ten five~~ thousand dollars or more.
7 (2) Theft constitutes a Class III felony when the value of the thing
8 involved is five thousand dollars or more but less than ten thousand
9 dollars.
10 (3) (2) Theft constitutes a Class IV felony when the value of the
11 thing involved is one thousand five hundred dollars or more but less than
12 five thousand dollars.
13 (4) (3) Theft constitutes a Class I misdemeanor when the value of
14 the thing involved is more than five hundred dollars but less than one
15 thousand five hundred dollars.
16 (5) (4) Theft constitutes a Class II misdemeanor when the value of
17 the thing involved is five hundred dollars or less.
18 (6) (5) For any second or subsequent conviction under subsection (4)
19 (3) of this section, any person so offending shall be guilty of a Class
20 IV felony.
21 (7) (6) For any second conviction under subsection (5) (4) of this
22 section, any person so offending shall be guilty of a Class I
23 misdemeanor, and for any third or subsequent conviction under subsection
24 (5) (4) of this section, the person so offending shall be guilty of a
25 Class IV felony.
26 (8) (7) Amounts taken pursuant to one scheme or course of conduct
27 from one or more persons may be aggregated in the indictment or
1 information in determining the classification of the offense, except that
2 amounts may not be aggregated into more than one offense.
3 (9) (8) In any prosecution for theft under sections 28-509 to
4 28-518, value shall be an essential element of the offense that must be
5 proved beyond a reasonable doubt.
6 Sec. 2. Original section 28-518, Reissue Revised Statutes of
7 Nebraska, is repealed.

Senator J. Cavanaugh filed the following amendment to [LB504](#):
[AM175](#)

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 60-4,108, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:
4 60-4,108 (1) It shall be unlawful for any person to operate a motor
5 vehicle during any period that he or she is subject to a court order not
6 to operate any motor vehicle for any purpose or during any period that
7 his or her operator's license has been revoked or impounded pursuant to
8 conviction or convictions for violation of any law or laws of this state,
9 by an order of any court, or by an administrative order of the director.
10 Except as otherwise provided by subsection (3) of this section or by
11 other law, any person so offending shall (a) for a first such offense, be
12 guilty of a Class II misdemeanor, and the court ~~may shall~~, as a part of
13 the judgment of conviction, order such person not to operate any motor
14 vehicle for any purpose for a period of one year from the date ordered by
15 the court and also order the operator's license of such person to be
16 revoked for a like period, ~~unless the person was placed on probation,~~
17 ~~then revocation may be ordered at the court's discretion,~~ (b) for a
18 second or third such offense, be guilty of a Class II misdemeanor, and

19 the court ~~may shall~~, as a part of the judgment of conviction, order such
20 person not to operate any motor vehicle for any purpose for a period of
21 two years from the date ordered by the court and also order the
22 operator's license of such person to be revoked for a like period, and
23 (c) for a fourth or subsequent such offense, be guilty of a Class I
24 misdemeanor, and the court ~~may shall~~, as a part of the judgment of
25 conviction, order such person not to operate any motor vehicle for any
26 purpose for a period of two years from the date ordered by the court and
27 also order the operator's license of such person to be revoked for a like
1 period. Such orders of the court shall be administered upon sentencing,
2 upon final judgment of any appeal or review, or upon the date that any
3 probation is revoked.

4 (2) It shall be unlawful for any person to operate a motor vehicle
5 (a) during any period that his or her operator's license has been
6 suspended, (b) after a period of revocation but before issuance of a new
7 license, or (c) after a period of impoundment but before the return of
8 the license. Except as provided in subsection (3) of this section, any
9 person so offending shall (i) for a first offense, be guilty of a Class V
10 III misdemeanor, (ii) for a second or third such offense, be guilty of a
11 Class IV misdemeanor, and the court may, as a part of the judgment of
12 conviction, order such person not to operate any motor vehicle for any
13 purpose for a period of six months from the date ordered by the court and
14 also order the operator's license of such person to be revoked for a like
15 period, except that if the person at the time of sentencing shows proof
16 of reinstatement of his or her suspended operator's license, proof of
17 issuance of a new license, or proof of return of the impounded license,
18 the person shall only be fined in an amount not to exceed one hundred
19 dollars, and (iii) for a fourth or subsequent such offense, be guilty of
20 a Class III misdemeanor, and the court may, as a part of the judgment of
21 conviction, order such person not to operate any motor vehicle for any
22 purpose for a period of one year from the date ordered by the court and
23 also order the operator's license of such person to be revoked for a like
24 period, except that if the person at the time of sentencing shows proof
25 of reinstatement of his or her suspended operator's license, proof of
26 issuance of a new license, or proof of return of the impounded license,
27 the person shall only be fined in an amount not to exceed one hundred
28 dollars. Such orders of the court shall be administered upon sentencing,
29 upon final judgment of any appeal or review, or upon the date that any
30 probation is revoked and the court may, as a part of the judgment of
31 conviction, order such person not to operate any motor vehicle for any
1 purpose for a period of one year from the date ordered by the court,
2 except that if the person at the time of sentencing shows proof of
3 reinstatement of his or her suspended operator's license, proof of
4 issuance of a new license, or proof of return of the impounded license,
5 the person shall only be fined in an amount not to exceed one hundred
6 dollars. If the court orders the person not to operate a motor vehicle
7 for a period of ~~six months~~ one year from the date ordered by the court,
8 the court shall also order the operator's license of such person to be
9 revoked for a like period. Such orders of the court shall be administered
10 upon sentencing, upon final judgment of any appeal or review, or upon the
11 date that any probation is revoked.
12 (3) If a juvenile whose operator's license or permit has been
13 impounded by a juvenile court operates a motor vehicle during any period
14 that he or she is subject to the court order not to operate any motor
15 vehicle or after a period of impoundment but before return of the license
16 or permit, such violation shall be handled in the juvenile court and not
17 as a violation of this section.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 43.** Introduced by Stinner, 48.

WHEREAS, Starr Lehl of Gering, Nebraska, was awarded the 2020 Rising Star Award from the Scottsbluff/Gering United Chamber of Commerce; and

WHEREAS, the Scottsbluff/Gering United Chamber of Commerce presents the Rising Star Award to a member in business for five years or less who shows a passion for Western Nebraska and demonstrates leadership in economic initiatives throughout the community; and

WHEREAS, Starr has been an enterprising leader for the cities of Gering and Scottsbluff as the economic development director in Scottsbluff and founder of Community Connections, which sponsors events for newcomers to the community; and

WHEREAS, Starr worked for the Department of Economic Development from 2003 to 2017, serving as the western field service representative under Governors Mike Johanns, Dave Heineman, and Pete Ricketts; and

WHEREAS, Starr has contributed to the tourism industry since 2017 through her appointment to the Nebraska Tourism Commission as representative for District 11; and

WHEREAS, Starr served her community as a member of the Gering City Council from 1992 to 1998 and then as the Mayor of Gering from 1998 to 2006.

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

1. That the Legislature congratulates Starr Lehl on receiving the 2020 Rising Star Award from the Scottsbluff/Gering United Chamber of Commerce and thanks her for her leadership and service in Western Nebraska.

2. That a copy of this resolution be sent to Starr Lehl.

Laid over.

LEGISLATIVE RESOLUTION 44. Introduced by Stinner, 48.

WHEREAS, the Panhandle Public Health District of Scottsbluff was awarded the 2020 Distinguished Service Award from the Scottsbluff/Gering United Chamber of Commerce; and

WHEREAS, the Scottsbluff/Gering United Chamber of Commerce presents the Distinguished Service Award to a member who demonstrated dedication to, and passion for, Western Nebraska with service that went above and beyond the call of duty and displayed a visionary quality for the community; and

WHEREAS, the Panhandle Public Health District, under the leadership of Director Kim Engel, contributed to the community by implementing contact tracing in the Nebraska Panhandle for COVID-19 patients, providing education on the need for personal protective equipment in public, and

creating a dashboard to ensure communication between health officials and citizens of the community; and

WHEREAS, during the COVID-19 pandemic, citizens of the Nebraska Panhandle are experiencing life as normal as possible in schools, businesses, churches, hospitals, and other areas, due in part to the Panhandle Public Health District.

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

1. That the Legislature congratulates the Panhandle Public Health District on receiving the 2020 Distinguished Service Award from the Scottsbluff/Gering United Chamber of Commerce, recognizes the accomplishments of the Panhandle Public Health District in protecting the community, and thanks the employees of the Panhandle Public Health District for their service and leadership.

2. That copies of this resolution be sent to the Panhandle Public Health District and Director Kim Engel.

Laid over.

LEGISLATIVE RESOLUTION 45. Introduced by Stinner, 48.

WHEREAS, Billy Estes of Scottsbluff, Nebraska, was awarded the 2020 Visionary Super Star Award from the Scottsbluff/Gering United Chamber of Commerce; and

WHEREAS, the Scottsbluff/Gering United Chamber of Commerce presents the Visionary Super Star Award to a member who has been in business six years or more, shows a passion for Western Nebraska, and demonstrates creativity in business; and

WHEREAS, Billy worked his way up from a movie projectionist in 2001 to earn his position as executive director of the Midwest Theater of Scottsbluff in 2013; and

WHEREAS, Billy contributed to agriculture in Nebraska by founding BE Farms in 2016; and

WHEREAS, citizens of Western Nebraska benefited from the instrumental role Billy played in creating the Midwest SkyView Drive-In Theater, which provided an opportunity for people to enjoy going to the movies during the COVID-19 pandemic.

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

1. That the Legislature congratulates Billy Estes on receiving the 2020 Visionary Super Star Award and recognizes his accomplishments as a visionary entrepreneur.

2. That a copy of this resolution be sent to Billy Estes.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 40 and 41 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 40 and 41.

GENERAL FILE

LEGISLATIVE BILL 106A. Title read. Considered.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Revenue
Room 1524

Wednesday, March 3, 2021 9:30 a.m.

LB180

LB431

LB542

Wednesday, March 3, 2021 1:30 p.m.

LB434

LB459

LB655

Thursday, March 4, 2021 9:30 a.m.

LB564

LB681

LB599

Thursday, March 4, 2021 1:30 p.m.

LB329

LB430

LB432

LB433

LB676

LB679

(Signed) Lou Ann Linehan, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Hughes name added to LB4.

VISITOR(S)

The Doctor of the Day was Dr. Kip Anderson of Columbus.

ADJOURNMENT

At 9:24 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 2021.

Patrick J. O'Donnell
Clerk of the Legislature