

**THIRTY-SECOND DAY - FEBRUARY 24, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 24, 2021

**PRAYER**

The prayer was offered by Senator Halloran.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Aguilar.

**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 Senator Pansing Brooks who was excused; and Senators Bostar, Hunt, and Vargas who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORT(S)****Natural Resources**

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

Stanley A. Clouse - Nebraska Natural Resources Commission  
Bradley B. Dunbar - Nebraska Natural Resources Commission  
Thomas L. Knutson - Nebraska Natural Resources Commission  
Scott Smathers - Nebraska Natural Resources Commission

Aye: 7. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 1. Wayne.

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

Joseph L. Citta Jr. - Nebraska Natural Resources Commission  
 Timothy E. Krause - Nebraska Natural Resources Commission  
 Rick Kubat - Nebraska Natural Resources Commission  
 LeRoy W. Sievers - Nebraska Natural Resources Commission

Aye: 7. Aguilar, Bostelman, Cavanaugh, J., Gragert, Groene, Hughes, Moser. Nay: 0. Absent: 0. Present and not voting: 1. Wayne.

(Signed) Bruce Bostelman, Chairperson

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 323.** Placed on Select File with amendment.

[ER15](#)

1 1. On page 1, line 2; and page 25, line 28, after "79-1007.12"  
 2 insert ", 79-1007.20,".  
 3 2. On page 1, line 6, strike "define" and insert "provide for"; and  
 4 in line 8 after the semicolon insert "to change provisions relating to  
 5 student growth adjustments;".

**LEGISLATIVE BILL 106.** Placed on Select File with amendment.

[ER5](#)

1 1. On page 1, line 3, after the semicolon insert "to add a certified  
 2 abstract fee and provide for the distribution of fee revenue;"; and  
 3 strike beginning with "to" in line 5 through the first semicolon in line  
 4 6.

**LEGISLATIVE BILL 113.** Placed on Select File with amendment.

[ER9](#)

1 1. On page 1, line 12, after the semicolon insert "to change  
 2 apportionable vehicle fees and the distribution of fee revenue;"; strike  
 3 beginning with "to" in line 15 through "revenue;" in line 16; and in line  
 4 18 after the first semicolon insert "to eliminate a fee; to eliminate  
 5 obsolete provisions;".

**LEGISLATIVE BILL 149.** Placed on Select File with amendment.

[ER11](#)

1 1. On page 1, strike beginning with "provide" in line 8 through line  
 2 9; and in line 11 after the semicolon insert "to eliminate obsolete  
 3 provisions;".  
 4 2. On page 4, line 14, strike "to", show as stricken, and insert  
 5 "through".  
 6 3. On page 6, line 13, after "agency" insert an underscored comma;  
 7 and in line 14 strike "of" and insert "or".

**LEGISLATIVE BILL 174.** Placed on Select File with amendment.

[ER10](#)

1 1. On page 1, strike beginning with the first "to" in line 15  
2 through the first semicolon in line 17 and insert "to change provisions  
3 relating to the Nebraska Rules of the Road regarding accident reports,  
4 roundabouts, and snowmobiles;".

**LEGISLATIVE BILL 302.** Placed on Select File with amendment.

[ER13](#)

1 1. On page 1, line 4, after "revocation" insert "and reinstatement".

**LEGISLATIVE BILL 148.** Placed on Select File with amendment.

[ER12](#)

1 1. On page 3, line 20, strike "the Department of".  
2 2. On page 37, line 29, strike "application, for" and insert  
3 "application for".  
4 3. On page 60, line 30, strike "71-4635", show as stricken, and  
5 insert "31 of this act".

**LEGISLATIVE BILL 253.** Placed on Select File.

**LEGISLATIVE BILL 503.** Placed on Select File with amendment.

[ER14](#)

1 1. On page 1, strike beginning with "authorize" in line 3 through  
2 "judgments" in line 4 and insert "require payment of attorney's fees by  
3 an objecting party as prescribed; to change trustee's sale provisions  
4 relating to the priority and distribution of proceeds".

**LEGISLATIVE BILL 532.** Placed on Select File with amendment.

[ER16](#)

1 1. On page 1, strike lines 5 through 8 and insert "to rename a fund;  
2 to change provisions relating to abandoned and unclaimed property under  
3 the Uniform Disposition of Unclaimed Property Act, the Uniform  
4 Residential Landlord and Tenant Act, and the School Employees Retirement  
5 Act; to provide powers and duties for the State Treasurer; to provide for  
6 immunity; to harmonize".

(Signed) Terrell McKinney, Chairperson

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 152.** Placed on General File.

**LEGISLATIVE BILL 415.** Placed on General File.

**LEGISLATIVE BILL 70.** Placed on General File with amendment.

[AM276](#)

1 1. On page 5, line 14, strike "The", show as stricken, and insert  
2 "Except for professional kickboxing or professional bare-knuckle boxing  
3 matches, the".

**LEGISLATIVE BILL 312.** Placed on General File with amendment.

[AM277](#)

1 1. On page 2, strike beginning with "It" in line 14 through the  
 2 period in line 20, show the old matter as stricken, and insert "Any  
 3 number of the following individuals, not less than five, may form and  
 4 organize a cemetery association: (a) A resident of the county in which  
 5 the cemetery association is to be formed, (b) an owner of a lot within  
 6 the cemetery for which the cemetery association is formed, and (c) any  
 7 family member, including, but not limited to, a parent, spouse, sibling,  
 8 child, or grandchild, of an individual buried in such cemetery. Cemetery  
 9 association members shall elect at least three members to serve as  
 10 trustees and one member to serve as clerk, who shall continue to serve in  
 11 office at the pleasure of the association.".

(Signed) Tom Briese, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 106A.** Senator Wayne offered the following motion:

[MO9](#)

Indefinitely postpone bill.

Senator Wayne withdrew his motion to indefinitely postpone.

Pending.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 344.** Placed on General File with amendment.

[AM83](#)

1 1. On page 2, lines 14 and 18, strike "and"; in line 15 after  
 2 "excavators" insert ", and (d) two representatives of locators"; and in  
 3 line 19 after "subsection" insert ", and one of the two initial  
 4 representatives of locators described in subdivision (d) of this  
 5 subsection".

(Signed) Curt Friesen, Chairperson

Urban Affairs

**LEGISLATIVE BILL 218.** Placed on General File with amendment.

[AM133](#)

1 1. Insert the following new sections:  
 2 Sec. 4. Section 71-6403, Revised Statutes Cumulative Supplement,  
 3 2020, is amended to read:  
 4 71-6403 (1) There is hereby created the state building code. The  
 5 Legislature hereby adopts by reference:  
 6 (a) The International Building Code (IBC), ~~chapter 13 of the 2018~~  
 7 ~~edition, and all but such chapter of the 2018 edition except section~~  
 8 101.4.3 and chapter 29, published by the International Code Council,  
 9 except that (i) section 305.2.3 applies to a facility having twelve or  
 10 fewer children and (ii) section 310.4.1 applies to a care facility for  
 11 twelve or fewer persons;

12 (b) The International Residential Code (IRC), ~~chapter 11 of the 2018~~  
 13 ~~edition, and all but such chapter of the 2018 edition except section R313~~  
 14 ~~and chapters 25 through 33, published by the International Code Council;~~  
 15 ~~and~~

16 (c) The International Existing Building Code, 2018 edition ~~except~~  
 17 ~~section 809, published by the International Code Council; and -~~

18 (d) The Uniform Plumbing Code, 2018 edition, designated by the  
 19 American National Standards Institute as an American National Standard.

20 (2) The codes adopted by reference in subsection (1) of this section  
 21 and the minimum standards for radon resistant new construction adopted  
 22 under section 76-3504 shall constitute the state building code except as  
 23 amended pursuant to the Building Construction Act or as otherwise  
 24 authorized by state law.

25 Sec. 5. Section 71-6406, Revised Statutes Cumulative Supplement,  
 26 2020, is amended to read:

27 71-6406 (1)(a) Any county, city, or village may enact, administer,  
 1 or enforce a local building or construction code if or as long as such  
 2 county, city, or village:

3 (i) Adopts the state building code; or

4 (ii) Adopts a building or construction code that conforms generally  
 5 with the state building code.

6 (b) If a county, city, or village does not adopt a code as  
 7 authorized under subdivision (a) of this subsection within two years  
 8 after an update to the state building code, the state building code shall  
 9 apply in the county, city, or village, except that such code shall not  
 10 apply to construction on a farm or for farm purposes.

11 (2) A local building or construction code shall be deemed to conform  
 12 generally with the state building code if it:

13 (a) Adopts a special or differing building standard by amending,  
 14 modifying, or deleting any portion of the state building code in order to  
 15 reduce unnecessary costs of construction, increase safety, durability, or  
 16 efficiency, establish best building or construction practices within the  
 17 county, city, or village, or address special local conditions within the  
 18 county, city, or village;

19 (b) Adopts any supplement, new edition, appendix, or component or  
 20 combination of components of the state building code;

21 (c) Adopts section 305 or 310 of the 2018 edition of the  
 22 International Building Code without the exceptions described in  
 23 subdivision (1)(a) of section 71-6403, section 101.4.3 or any portion of  
 24 chapter 29 of the 2018 edition of the International Building Code, or  
 25 section R313 or any portion of chapters 25 through 33 of the 2018 edition  
 26 of the International Residential Code, or section 809 of the 2018 edition  
 27 of the International Existing Building Code;

28 (d) Adopts a plumbing code, an electrical code, a fire prevention  
 29 code, or any other standard code as authorized under section 14-419,  
 30 15-905, 18-132, or 23-172;

31 (e) Adopts a local energy code as authorized under section 81-1618;  
 1 or

2 (f) Adopts minimum standards for radon resistant new construction  
 3 which meet the minimum standards adopted under section 76-3504.

4 (3) A local building or construction code shall not be deemed to  
 5 conform generally with the state building code if it:

6 (a) Includes a prior edition of any component or combination of  
 7 components of the state building code; or

8 (b) Does not include minimum standards for radon resistant new  
 9 construction that meet the minimum standards adopted under section  
 10 76-3504.

11 (4) A county, city, or village shall notify the State Energy Office  
 12 if it amends or modifies its local building or construction code in such  
 13 a way as to delete any portion of (a) chapter 13 of the 2018 edition of  
 14 the International Building Code or (b) chapter 11 of the 2018 edition of  
 15 the International Residential Code. The notification shall be made within

16 thirty days after the adoption of such amendment or modification.  
 17 (5) A county, city, or village shall not adopt or enforce a local  
 18 building or construction code other than as provided by this section.  
 19 (6) A county, city, or village which adopts or enforces a local  
 20 building or construction code under this section shall regularly update  
 21 its code. For purposes of this section, a code shall be deemed to be  
 22 regularly updated if the most recently enacted state building code or a  
 23 code that conforms generally with the state building code is adopted by  
 24 the county, city, or village within two years after an update to the  
 25 state building code.  
 26 (7) A county, city, or village may adopt amendments for the proper  
 27 administration and enforcement of its local building or construction code  
 28 including organization of enforcement, qualifications of staff members,  
 29 examination of plans, inspections, appeals, permits, and fees. Any  
 30 amendment adopted pursuant to this section shall be published separately  
 31 from the local building or construction code.  
 1 (8) A county, city, or village which adopts one or more standard  
 2 codes as part of its local building or construction code under this  
 3 section shall keep at least one copy of each adopted code, or portion  
 4 thereof, for use and examination by the public in the office of the clerk  
 5 of the county, city, or village prior to the adoption of the code and as  
 6 long as such code is in effect.  
 7 (9) Notwithstanding the provisions of the Building Construction Act,  
 8 a public building of any political subdivision shall be built in  
 9 accordance with the applicable local building or construction code. Fees,  
 10 if any, for services which monitor a builder's application of codes shall  
 11 be negotiable between the political subdivisions involved, but such fees  
 12 shall not exceed the actual expenses incurred by the county, city, or  
 13 village doing the monitoring.  
 14 2. Renumber the remaining section and correct the repealer  
 15 accordingly.

(Signed) Justin Wayne, Chairperson

#### ANNOUNCEMENT

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Thursday, February 25, 2021, following their afternoon hearings in Room 1507.

#### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Sanders name added to LB5.  
 Senator Slama name added to LB167.  
 Senator Slama name added to LB188.  
 Senator Halloran name added to LB300.  
 Senator Day name added to LB396.  
 Senator Vargas name added to LB415.  
 Senator McDonnell name added to LB474.  
 Senator Cavanaugh, J. name added to LB474.  
 Senator Gragert name added to LB512.

**WITHDRAW - Cointroducer(s)**

Senator Albrecht name withdrawn from LB250.

**VISITOR(S)**

The Doctor of the Day was Dr. Michelle Sell of Columbus.

**ADJOURNMENT**

At 9:24 a.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

