

**FIFTY-NINTH DAY - APRIL 15, 2019**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 15, 2019

**PRAYER**

The prayer was offered by Reverend John Nelson Jr., Christ Lutheran Church, O'Neill.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Hughes who was excused; and Senators Bolz, Groene, M. Hansen, Howard, La Grone, Morfeld, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 79, 80, 81, and 82 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 79, 80, 81, and 82.

**GENERAL FILE**

**LEGISLATIVE BILL 138.** Senator Blood renewed her amendment, AM930, found on page 1015 and considered on page 1160, to the committee amendment.

Senator Blood moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Blood requested a roll call vote, in reverse order, on her

amendment.

Voting in the affirmative, 35:

Arch	Chambers	Hansen, M.	Lindstrom	Scheer
Blood	Crawford	Hilkemann	McCollister	Stinner
Bolz	DeBoer	Howard	McDonnell	Vargas
Bostelman	Dorn	Hunt	Morfeld	Walz
Brandt	Geist	Kolowski	Moser	Wayne
Brewer	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, B.	Lathrop	Quick	Wishart

Voting in the negative, 6:

Briese	Erdman	Murman
Clements	Friesen	Slama

Present and not voting, 5:

Albrecht	Groene	Halloran	Hilgers	Linehan
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Excused and not voting, 3:

Hughes	La Grone	Lowe
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The Blood amendment was adopted with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks offered her amendment, AM1226, found on page 1109, to the committee amendment.

The Pansing Brooks amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Committee AM783, found on page 951 and considered on page 1160, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 670A.** Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 670, One Hundred Sixth Legislature, First Session, 2019.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 227.** Placed on Select File with amendment.  
ER80

- 1 1. In the Hughes amendment, AM1287:
- 2 a. On page 1, line 6, strike "sections 3 and 4" and insert "section
- 3 3"; and
- 4 b. On page 2, line 26, reinstate the first stricken "2-4404".
- 5 2. On page 1, line 2, strike "2-4402 and 2-4403" and insert "2-4401,
- 6 2-4403, and 2-4404"; in lines 2 and 3 strike "to redefine terms;".

**LEGISLATIVE BILL 616.** Placed on Select File with amendment.  
ER81

- 1 1. On page 1, strike beginning with "the" in line 1 through
- 2 "emergency" in line 8 and insert "state highways and bridges; to amend
- 3 section 39-1349, Reissue Revised Statutes of Nebraska, and section
- 4 81-1701, Revised Statutes Cumulative Supplement, 2018; to provide an
- 5 interest payment exception for certain construction contracts as
- 6 prescribed; to harmonize provisions; and to repeal the original
- 7 sections".

(Signed) Julie Slama, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 15.** Placed on Final Reading.  
**LEGISLATIVE BILL 59.** Placed on Final Reading.  
**LEGISLATIVE BILL 87.** Placed on Final Reading.  
**LEGISLATIVE BILL 212.** Placed on Final Reading.  
**LEGISLATIVE BILL 218.** Placed on Final Reading.  
**LEGISLATIVE BILL 268.** Placed on Final Reading.  
**LEGISLATIVE BILL 316.** Placed on Final Reading.  
**LEGISLATIVE BILL 320.** Placed on Final Reading.  
**LEGISLATIVE BILL 352.** Placed on Final Reading.  
**LEGISLATIVE BILL 390.** Placed on Final Reading.  
**LEGISLATIVE BILL 472.** Placed on Final Reading.  
**LEGISLATIVE BILL 514.** Placed on Final Reading.

**LEGISLATIVE BILL 603.** Placed on Final Reading.

**LEGISLATIVE BILL 637.** Placed on Final Reading.

**LEGISLATIVE BILL 713.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 14CA.** Placed on Final Reading.

ST14

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

1. On page 2, line 12, ", due to a high rate of unemployment combined with a high poverty rate as determined by law," has been inserted after "if".

(Signed) Julie Slama, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 538.** Title read. Considered.

Committee AM900, found on page 966, was offered.

Senator Lathrop withdrew his amendments, AM1229 and AM1267, found on pages 1094 and 1122.

Senator Lathrop offered his amendment, AM1278, found on page 1138, to the committee amendment.

#### **SPEAKER SCHEER PRESIDING**

Pending.

#### **MOTION(S) - Suspend Rules**

Senator Linehan offered the following motion to LB289:

MO62

Suspend the rules, Rule 3, Sec. 14, to permit cancellation of the hearing scheduled for April 18, 2019.

The Linehan motion to suspend the rules prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

#### **NOTICE OF COMMITTEE HEARING(S)** Revenue/Nebraska Retirement Systems/Education

Room 1510

Thursday, April 18, 2019 1:00 p.m.

LB289 (cancel)

(Signed) Lou Ann Linehan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 538.** The Lathrop amendment, AM1278, found on page 1138 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 360.** Placed on General File with amendment.  
AM976

1 1. On page 3, line 21, after the period insert "In making such  
2 determination the court shall consider, among other things, whether a  
3 consular officer's jurisdiction includes Nebraska and the responsiveness  
4 of the consular officer to attempts made by an attorney representing the  
5 employee to engage such consular officer in the proceedings.".

**LEGISLATIVE BILL 418.** Placed on General File with amendment.  
AM1266 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

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

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

Senator Williams name added to LB605.  
Senator Erdman name added to LB693.

**VISITOR(S)**

Visitors to the Chamber were students from Lincoln Elementary School, Hastings; members of the La Vista Mayor's Youth Leadership Council; students from Aurora Elementary School; students from Tara Heights Elementary School, Papillion; students from Our Redeemer Lutheran School, Staplehurst; and students from Falls City Public Schools.

**RECESS**

At 11:54 a.m., on a motion by Senator Wishart, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Scheer presiding.

**SENATOR WILLIAMS PRESIDING****ROLL CALL**

The roll was called and all members were present except Senator Hughes who was excused; and Senators Chambers, Groene, B. Hansen, M. Hansen, La Grone, Linehan, and Morfeld who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 84.** Introduced by Hansen, M., 26.

WHEREAS, occupational diseases and workplace injuries affect millions of Americans each year; and

WHEREAS, thousands of those workers suffer permanent disabilities as a result; and

WHEREAS, thousands more are killed each year in incidents occurring while on the job and from diseases related to unsafe working conditions; and

WHEREAS, concerned Americans are determined to prevent these tragedies through the following activities: Observing Workers Memorial Day on April 28, 2019, as a day to remember these victims of workplace injuries and disease; renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and rededicating themselves to improving safety and health in every American workplace.

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

1. That the Legislature recognizes April 28, 2019, as Workers Memorial Day in Nebraska as a day of remembrance for workers who have been killed, injured, or disabled on the job.

2. That a copy of this resolution be sent to the AFL-CIO Safety and Health Department and the United Support and Memorial for Workplace Fatalities.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 538.** The Lathrop amendment, AM1278, found on page 1138 and considered in this day's Journal, to the committee amendment, was renewed.

The Lathrop amendment was adopted with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

The committee amendment, AM900, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

### COMMITTEE REPORT(S)

#### Judiciary

The Judiciary 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.

Robert W. Twiss - Board of Parole

Aye: 8 Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne. Nay: 0. Absent: 0. Present and not voting: 0.

The Judiciary 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.

Don Arp Jr. - Director, Nebraska Crime Commission

Aye: 6 Brandt, Chambers, DeBoer, Lathrop, Morfeld, Slama. Nay: 0. Absent: 0. Present and not voting: 2 Pansing Brooks, Wayne.

(Signed) Steve Lathrop, Chairperson

### COMMITTEE REPORT(S)

#### Judiciary

**LEGISLATIVE BILL 308.** Placed on General File.

**LEGISLATIVE BILL 392.** Placed on General File.

**LEGISLATIVE BILL 643.** Placed on General File.

**LEGISLATIVE BILL 179.** Placed on General File with amendment.

AM736

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 25-1902, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 25-1902 (1) The following are final orders which may be vacated,

6 modified, or reversed:

7 (a) An order affecting a substantial right in an action, when such

8 order in effect determines the action and prevents a judgment; ;

9 (b) An ~~and an~~ order affecting a substantial right made during ~~in~~ a

10 special proceeding; ;

11 ~~(c) An order affecting a substantial right made on or upon a summary~~  
 12 ~~application in an action after a judgment is entered; and, is a final~~  
 13 ~~order which may be vacated, modified or reversed, as provided in this~~  
 14 ~~chapter.~~  
 15 (d) An order denying a motion for summary judgment when such motion  
 16 is based on the assertion of sovereign immunity or the immunity of a  
 17 government official.  
 18 (2) An order under subdivision (1)(d) of this section may be  
 19 appealed pursuant to section 25-1912 within thirty days after the entry  
 20 of such order or within thirty days after the entry of judgment.  
 21 Sec. 2. If any section in this act or any part of any section is  
 22 declared invalid or unconstitutional, the declaration shall not affect  
 23 the validity or constitutionality of the remaining portions.  
 24 Sec. 3. Original section 25-1902, Reissue Revised Statutes of  
 25 Nebraska, is repealed.

**LEGISLATIVE BILL 387.** Placed on General File with amendment.  
 AM404

1 1. On page 4, strike beginning with "approved" in line 1 through  
 2 "court" in line 2.  
 3 2. On page 8, line 17, strike beginning with "and" through "record"  
 4 and show as stricken; and strike beginning with "The" in line 27 through  
 5 the period in line 29.  
 6 3. On page 11, strike beginning with "become" in line 1 through  
 7 "county" in line 2, show as stricken, and insert "be entered upon the  
 8 record of the court".  
 9 4. On page 22, strike beginning with "become" in line 26 through  
 10 "commissioner" in line 27, show as stricken, and insert "be entered upon  
 11 the record of the court".

**LEGISLATIVE BILL 433.** Placed on General File with amendment.  
 AM981

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 76-1416 (1) A landlord may not demand or receive security, however  
 6 denominated, in an amount or value in excess of one month's periodic  
 7 rent, except that a pet deposit not in excess of one-fourth of one  
 8 month's periodic rent may be demanded or received when appropriate, but  
 9 this subsection shall not be applicable to housing agencies organized or  
 10 existing under the Nebraska Housing Agency Act.  
 11 (2) Upon termination of the tenancy, property or money held by the  
 12 landlord as prepaid rent and security may be applied to the payment of  
 13 rent and the amount of damages which the landlord has suffered by reason  
 14 of the tenant's noncompliance with the rental agreement or section  
 15 76-1421. The balance, if any, and a written itemization shall be  
 16 delivered or mailed to the tenant within fourteen days after the date of  
 17 termination of the tenancy. If no mailing address or instructions are



18 provided by the tenant to the landlord, the landlord shall send, by  
19 first-class mail, the balance of the security deposit to the tenant's  
20 last-known mailing address demand and designation of the location where  
21 payment may be made or mailed.

22 (3) If the landlord fails to comply with subsection (2) of this  
23 section, the tenant may recover, in addition to the property and money  
24 due him or her, liquidated damages of one times the periodic rent, plus  
25 costs and reasonable attorney's fees.

26 (4) This section does not preclude the landlord or tenant from  
27 recovering other damages to which he or she may be entitled under the  
1 Uniform Residential Landlord and Tenant Act. However, a tenant shall not  
2 be liable for damages directly related to the tenant's removal from the  
3 premises by order of any governmental entity as a result of the premises  
4 not being fit for habitation due to the negligence or neglect of the  
5 landlord.

6 (5) The holder of the landlord's interest in the premises at the  
7 time of the termination of the tenancy is bound by this section.  
8 Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 76-1431 (1) Except as provided in the Uniform Residential Landlord  
11 and Tenant Act, if there is a noncompliance with section 76-1421  
12 materially affecting health and safety or a material noncompliance by the  
13 tenant with the rental agreement or any separate agreement, the landlord  
14 may deliver a written notice to the tenant specifying the acts and  
15 omissions constituting the breach and that the rental agreement will  
16 terminate upon a date not less than thirty days after receipt of the  
17 notice if the breach is not remedied in fourteen days, and the rental  
18 agreement shall terminate as provided in the notice subject to the  
19 following. If the breach is remediable by repairs or the payment of  
20 damages or otherwise and the tenant adequately remedies the breach prior  
21 to the date specified in the notice, the rental agreement will not  
22 terminate. If substantially the same act or omission which constituted a  
23 prior noncompliance of which notice was given recurs within six months,  
24 the landlord may terminate the rental agreement upon at least fourteen  
25 days' written notice specifying the breach and the date of termination of  
26 the rental agreement.

27 (2) If rent is unpaid when due and the tenant fails to pay rent  
28 within seven calendar ~~three~~ days after written notice by the landlord of  
29 nonpayment and his or her intention to terminate the rental agreement if  
30 the rent is not paid within that period of time, the landlord may  
31 terminate the rental agreement.

1 (3) Except as provided in the Uniform Residential Landlord and  
2 Tenant Act, the landlord may recover damages and obtain injunctive relief  
3 for any noncompliance by the tenant with the rental agreement or section  
4 76-1421. If the tenant's noncompliance is willful, the landlord may  
5 recover reasonable attorney's fees.

6 (4) Notwithstanding subsections (1) and (2) of this section or  
7 section 25-21,221, a landlord may, after five days' written notice of  
8 termination of the rental agreement and without the right of the tenant

9 to cure the default, file suit and have judgment against any tenant or  
 10 occupant for recovery of possession of the premises if the tenant,  
 11 occupant, member of the tenant's household, guest, or other person who is  
 12 under the tenant's control or who is present upon the premises with the  
 13 tenant's consent, engages in any violent criminal activity on the  
 14 premises, the illegal sale of any controlled substance on the premises,  
 15 or any other activity that threatens the health or safety of other  
 16 tenants, the landlord, or the landlord's employees or agents. Such  
 17 activity shall include, but not be limited to, any of the following  
 18 activities of the tenant, occupant, member of the tenant's household,  
 19 guest, or other person who is under the tenant's control or who is  
 20 present upon the premises with the tenant's consent: (a) Physical assault  
 21 or the threat of physical assault; (b) illegal use of a firearm or other  
 22 weapon or the threat of illegal use of a firearm or other weapon; (c)  
 23 possession of a controlled substance if the tenant knew or should have  
 24 known of the possession, unless such controlled substance was obtained  
 25 directly from or pursuant to a medical order issued by a practitioner  
 26 legally authorized to prescribe while acting in the course of his or her  
 27 professional practice; or (d) any other activity or threatened activity  
 28 which would otherwise threaten the health or safety of any person or  
 29 involving threatened, imminent, or actual damage to the property.  
 30 (5) Subsection (4) of this section does not apply to a tenant if the  
 31 violent criminal activity, illegal sale of any controlled substance, or  
 1 other activity that threatens the health or safety of other tenants, the  
 2 landlord, or the landlord's employees or agents, as set forth in  
 3 subsection (4) of this section, is conducted by a person on the premises  
 4 other than the tenant and the tenant takes at least one of the following  
 5 measures against the person engaging in such activity:  
 6 (a) The tenant seeks a protective order, restraining order, or other  
 7 similar relief which would apply to the person conducting such activity;  
 8 or  
 9 (b) The tenant reports such activity to a law enforcement agency in  
 10 an effort to initiate a criminal action against the person conducting the  
 11 activity.  
 12 Sec. 3. Original sections 76-1416 and 76-1431, Reissue Revised  
 13 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 434.** Placed on General File with amendment.  
 AM1317

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 76-1431 (1) Except as provided in the Uniform Residential Landlord  
 6 and Tenant Act, if there is a noncompliance with section 76-1421  
 7 materially affecting health and safety or a material noncompliance by the  
 8 tenant with the rental agreement or any separate agreement, the landlord  
 9 may deliver a written notice to the tenant specifying the acts and  
 10 omissions constituting the breach and that the rental agreement will

11 terminate upon a date not less than thirty days after receipt of the  
12 notice if the breach is not remedied in fourteen days, and the rental  
13 agreement shall terminate as provided in the notice subject to the  
14 following. If the breach is remediable by repairs or the payment of  
15 damages or otherwise and the tenant adequately remedies the breach prior  
16 to the date specified in the notice, the rental agreement will not  
17 terminate. If substantially the same act or omission which constituted a  
18 prior noncompliance of which notice was given recurs within six months,  
19 the landlord may terminate the rental agreement upon at least fourteen  
20 days' written notice specifying the breach and the date of termination of  
21 the rental agreement.

22 (2) If rent is unpaid when due and the tenant fails to pay rent  
23 within seven calendar ~~three~~ days after written notice by the landlord of  
24 nonpayment and his or her intention to terminate the rental agreement if  
25 the rent is not paid within that period of time, the landlord may  
26 terminate the rental agreement.

27 (3) Except as provided in the Uniform Residential Landlord and  
1 Tenant Act, the landlord may recover damages and obtain injunctive relief  
2 for any noncompliance by the tenant with the rental agreement or section  
3 76-1421. If the tenant's noncompliance is willful, the landlord may  
4 recover reasonable attorney's fees.

5 (4) Notwithstanding subsections (1) and (2) of this section or  
6 section 25-21,221, a landlord may, after five days' written notice of  
7 termination of the rental agreement and without the right of the tenant  
8 to cure the default, file suit and have judgment against any tenant or  
9 occupant for recovery of possession of the premises if the tenant,  
10 occupant, member of the tenant's household, guest, or other person who is  
11 under the tenant's control or who is present upon the premises with the  
12 tenant's consent, engages in any violent criminal activity on the  
13 premises, the illegal sale of any controlled substance on the premises,  
14 or any other activity that threatens the health or safety of other  
15 tenants, the landlord, or the landlord's employees or agents. Such  
16 activity shall include, but not be limited to, any of the following  
17 activities of the tenant, occupant, member of the tenant's household,  
18 guest, or other person who is under the tenant's control or who is  
19 present upon the premises with the tenant's consent: (a) Physical assault  
20 or the threat of physical assault; (b) illegal use of a firearm or other  
21 weapon or the threat of illegal use of a firearm or other weapon; (c)  
22 possession of a controlled substance if the tenant knew or should have  
23 known of the possession, unless such controlled substance was obtained  
24 directly from or pursuant to a medical order issued by a practitioner  
25 legally authorized to prescribe while acting in the course of his or her  
26 professional practice; or (d) any other activity or threatened activity  
27 which would otherwise threaten the health or safety of any person or  
28 involving threatened, imminent, or actual damage to the property.

29 (5) Subsection (4) of this section does not apply to a tenant if the  
30 violent criminal activity, illegal sale of any controlled substance, or  
31 other activity that threatens the health or safety of other tenants, the  
1 landlord, or the landlord's employees or agents, as set forth in

2 subsection (4) of this section, is conducted by a person on the premises  
3 other than the tenant and the tenant takes at least one of the following  
4 measures against the person engaging in such activity:  
5 (a) The tenant seeks a protective order, restraining order, or other  
6 similar relief which would apply to the person conducting such activity;  
7 or  
8 (b) The tenant reports such activity to a law enforcement agency in  
9 an effort to initiate a criminal action against the person conducting the  
10 activity.  
11 Sec. 2. Original section 76-1431, Reissue Revised Statutes of  
12 Nebraska, is repealed.

**LEGISLATIVE BILL 478.** Placed on General File with amendment.  
AM1216

1 1. Strike the original section and insert the following new  
2 sections:  
3 Section 1. Section 27-412, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 27-412 (1) The following evidence is not admissible in any civil or  
6 criminal proceeding involving alleged sexual misconduct except as  
7 provided in subsections (2) and (3) of this section:  
8 (a) Evidence offered to prove that any victim engaged in other  
9 sexual behavior; and  
10 (b) Evidence offered to prove any victim's sexual predisposition.  
11 (2)(a) In a criminal case, the following evidence is admissible, if  
12 otherwise admissible under the Nebraska Evidence Rules:  
13 (i) Evidence of specific instances of sexual behavior by the victim  
14 offered to prove that a person other than the accused was the source of  
15 semen, injury, or other physical evidence;  
16 (ii) Evidence of specific instances of sexual behavior of the victim  
17 with respect to the accused offered by the accused to prove consent of  
18 the victim if it is first established to the court that such behavior is  
19 similar to the behavior involved in the case and tends to establish a  
20 pattern of behavior of the victim relevant to the issue of consent; and  
21 (iii) Evidence, the exclusion of which would violate the  
22 constitutional rights of the accused.  
23 (b) In a civil case, evidence offered to prove the sexual behavior  
24 or sexual predisposition of any victim is admissible if it is otherwise  
25 admissible under the Nebraska Evidence Rules and its probative value  
26 substantially outweighs the danger of harm to any victim and of unfair  
27 prejudice to any party. Evidence of a victim's reputation is admissible  
1 only if it has been placed in controversy by the victim.  
2 (3)(a) A party intending to offer evidence under subsection (2) of  
3 this section shall:  
4 (i) File a written motion at least fifteen days before trial  
5 specifically describing the evidence and stating the purpose for which it  
6 is offered unless the court, for good cause, requires a different time  
7 for filing or permits filing during trial; and  
8 (ii) Serve the motion on all parties and notify the victim or, when

9 appropriate, the victim's guardian or representative.  
10 (b) Before admitting evidence under this section, the court shall  
11 conduct a hearing in camera outside the presence of any jury.  
12 (4) Evidence of the victim's consent is not admissible in any civil  
13 proceeding involving alleged:  
14 (a) Sexual penetration when the actor is nineteen years of age or  
15 older and the victim is less than sixteen years of age; or  
16 (b) Sexual contact when the actor is nineteen years of age or older  
17 and the victim is less than fifteen years of age.  
18 Sec. 2. Original section 27-412, Reissue Revised Statutes of  
19 Nebraska, is repealed.

**LEGISLATIVE BILL 532.** Placed on General File with amendment.  
AM674 is available in the Bill Room.

**LEGISLATIVE BILL 595.** Placed on General File with amendment.  
AM1164 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 323.** Title read. Considered.

Committee AM678, found on page 966, was adopted with 37 ayes, 0 nays,  
10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present  
and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 657.** Title read. Considered.

Committee AM988, found on page 1019, was offered.

### SPEAKER SCHEER PRESIDING

### SENATOR WILLIAMS PRESIDING

Senator Lowe offered the following amendment to the committee  
amendment:

FA45

Amend AM988

Change .3 percent to .2 percent in line 8 page 2.

Senator Lowe withdrew his amendment.

Senator Lowe offered the following amendment to the committee amendment:

FA46

Amend AM988

Cell phone be included in line 12 page 5.

#### **SPEAKER SCHEER PRESIDING**

Senator McCollister moved the previous question. The question is, "Shall the debate now close?"

Senator McCollister moved for a call of the house. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Lowe amendment lost with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Lowe offered the following motion:

MO63

Recommit to the Agriculture Committee.

Senator Lowe withdrew his motion to recommit to committee.

The committee amendment, AM988, was adopted with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 585.** Placed on Select File with amendment.

ER82

- 1 1. On page 1 strike lines 4 through 8 and insert "for grants; to
- 2 harmonize provisions; to provide an operative date; and to repeal the
- 3 original section."
- 4 2. On page 3, line 7, strike "project" and insert "agreement".

**LEGISLATIVE BILL 641.** Placed on Select File with amendment.

ER83

- 1 1. On page 1, strike beginning with "the" in line 1 through
- 2 "sections" in line 6 and insert "telecommunications; to amend section
- 3 71-7611, Reissue Revised Statutes of Nebraska; to define a term; to

4 provide for an annual grant to a 211 Information and Referral Network; to  
5 transfer funds from the Nebraska Health Care Cash Fund to the Public  
6 Service Commission; and to repeal the original section".

**LEGISLATIVE BILL 663.** Placed on Select File.

(Signed) Julie Slama, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 85.** Introduced by McDonnell, 5.

WHEREAS, the 1998 Good Friday Agreement between the Irish Government and the British Government provides that the British Government should enact legislation defining rights supplementary to those in the European Convention on Human Rights to constitute a Bill of Rights for Northern Ireland; and

WHEREAS, the Martin McGuinness Principles were launched on April 10, 2018, by Irish-American leaders calling for equality, respect, truth, and self-determination for Northern Ireland.

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

1. That the Legislature recognizes Northern Ireland's desire that the British Government respect the Martin McGuinness Principles calling for equality, respect, truth, and self-determination for Northern Ireland.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB237:  
AM1319 is available in the Bill Room.

Senator Crawford filed the following amendment to LB237A:  
AM1320

1 1. On page 2, line 2, strike "Miscellaneous Receipts" and insert  
2 "Enforcement".

Senator La Grone filed the following amendment to LB470:  
AM1096 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB227:  
AM1330

(Amendments to AM1287)

1 1. On page 1, lines 21 and 23, strike "reasonable" and insert "state  
2 of the art".

Senator Lathrop filed the following amendment to LB227:  
AM1331

(Amendments to AM1287)

1 1. On page 1, line 23, after the fourth comma insert "vermin".

Senator Lathrop filed the following amendment to LB227:  
AM1332

(Amendments to AM1287)

1 1. Strike section 3 and insert the following new section:  
2 Sec. 3. (1) No suit shall be maintained against a farm or farm  
3 operation or public grain warehouse or public grain warehouse operation  
4 for public or private nuisance more than two years after the condition  
5 which is the subject matter of the suit reaches a level of offense  
6 sufficient to sustain a claim of nuisance.  
7 (2) The limitation provided for in this section shall not apply to  
8 any action brought to determine compliance with or to enforce a previous  
9 order of a court related to the same claim of nuisance or to any claims  
10 for additional damages or equitable relief available when a farm or farm  
11 operation or public grain warehouse or public grain warehouse operation  
12 fails to remediate a nuisance pursuant to such court order.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 571A.** Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, One Hundred Sixth Legislature, First Session, 2019.

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

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

Senator M. Hansen name added to LB657.

### **WITHDRAW - Cointroducer(s)**

Senator B. Hansen name withdrawn from LB720.

### **VISITOR(S)**

Visitors to the Chamber were students, teacher, and sponsors from Harvard Public Schools; students from Shell Creek Elementary School and Platte Center Elementary School, Columbus and Platte Center; students and teacher from Bayard Public School; students and sponsor from Norfolk High School; and students from Battle Creek Elementary School.



**ADJOURNMENT**

At 4:55 p.m., on a motion by Senator Gragert, the Legislature adjourned until 9:00 a.m., Tuesday, April 16, 2019.

Patrick J. O'Donnell  
Clerk of the Legislature

