

FIFTY-THIRD DAY - APRIL 4, 2019
LEGISLATIVE JOURNAL
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 4, 2019

PRAYER

The prayer was offered by Pastor Johnny Walker, West First Chapel, McCook.

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 Senators Blood, Cavanaugh, DeBoer, B. Hansen, M. Hansen, Hunt, Lindstrom, McCollister, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

AMENDMENT(S) - Print in Journal

Senator Clements filed the following amendment to LB334:
AM1185

(Amendments to Standing Committee amendments, AM801)

- 1 1. Insert the following new section:
- 2 Section 1. Section 13-1901, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 13-1901 (1) There are hereby created nine Nebraska planning and
- 5 development regions as follows:
- 6 (a) ~~(+)~~ Region 1 includes the counties of Sioux, Dawes, Sheridan,
- 7 Box Butte, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and
- 8 Deuel;
- 9 (b) ~~(2)~~ Region 2 includes the counties of Cherry, Keya Paha, Boyd,
- 10 Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley,
- 11 Greeley, and Sherman;
- 12 (c) ~~(3)~~ Region 3 includes the counties of Grant, Hooker, Thomas,
- 13 Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes,
- 14 Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas;

15 (d) ~~(4)~~ Region 4 includes the counties of Howard, Merrick, Buffalo,
 16 Hall, Hamilton, Phelps, Kearney, Adams, Clay, Harlan, Franklin, Webster,
 17 and Nuckolls;

18 (e) ~~(5)~~ Region 5 includes the counties of Knox, Cedar, Dixon,
 19 Antelope, Pierce, Wayne, Thurston, Boone, Madison, Stanton, Cuming, Burt,
 20 Platte, Colfax, Dodge, and Nance;

21 (f) ~~(6)~~ Region 6 includes the counties of Polk, Butler, Saunders,
 22 York, Seward, ~~Cass~~, Fillmore, Saline, Otoe, Thayer, Jefferson, Gage,
 23 Johnson, Nemaha, Pawnee, and Richardson;

24 (g) ~~(7)~~ Region 7 includes the county of Lancaster;

25 (h) ~~(8)~~ Region 8 includes the counties of Washington, Douglas, ~~and~~
 26 Sarpy, ~~and Cass~~; and

1 (i) ~~(9)~~ Region 9 includes the county of Dakota.

2 (2) In order to facilitate development of a process which will allow
 3 for future changes to the boundaries of the Nebraska planning and
 4 development regions, until July 1, 2020, a county, city, village, or
 5 development district shall not engage in negotiations to change the
 6 boundaries of the planning and development regions. This subsection does
 7 not prohibit negotiations relating to implementation of the changes to
 8 the boundaries made by this legislative bill.

9 2. Renumber the remaining sections and correct the repealer
 10 accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 14CA. Senator Groene renewed his amendment, FA26, found on page 958 and considered on pages 982 and 983.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING(S) Health and Human Services/Appropriations

Room 1510

Thursday, April 11, 2019 1:30 p.m.

Briefing of the Health and Human Services Committee and the Appropriations Committee on the plan for Medicaid Expansion
 Note: Invited testimony only

(Signed) Sara Howard, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 78. Introduced by Briese, 41.

WHEREAS, Roger Goldfish recently retired from a career in public service that spanned forty years; and

WHEREAS, Roger began his first term on the Ord City Council in 1979 and ultimately served the city in that capacity for twelve years (1979-1982, 1987-1990, and 2007-2010); and

WHEREAS, Roger was then chosen to lead the City of Ord as its mayor beginning in 1991 through 2002 and then again from 2011 through 2018; and

WHEREAS, Roger also served on the board of adjustment, the Central Nebraska Community Services board of directors, and the Central Nebraska Community Action Partnership board of directors.

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

1. That the Legislature congratulates Roger Goldfish on his retirement after 34 years of service to his community.
2. That a copy of this resolution be sent to Roger Goldfish.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 637. Title read. Considered.

Committee AM238, found on page 914, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 472. Title read. Considered.

Senator Dorn offered his amendment, AM959, found on page 1005.

Senator Chambers offered the following amendment to the Dorn amendment:

AM1143

(Amendments to the Dorn amendments, AM959)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 68-1017.02 (1)(a) The Department of Health and Human Services shall

6 apply for and utilize to the maximum extent possible, within limits
7 established by the Legislature, any and all appropriate options available
8 to the state under the federal Supplemental Nutrition Assistance Program
9 and regulations adopted under such program to maximize the number of
10 Nebraska residents being served under such program within such limits.
11 The department shall seek to maximize federal funding for such program
12 and minimize the utilization of General Funds for such program and shall
13 employ the personnel necessary to determine the options available to the
14 state and issue the report to the Legislature required by subdivision (b)
15 of this subsection.

16 (b) The department shall submit electronically an annual report to
17 the Health and Human Services Committee of the Legislature by December 1
18 on efforts by the department to carry out the provisions of this
19 subsection. Such report shall provide the committee with all necessary
20 and appropriate information to enable the committee to conduct a
21 meaningful evaluation of such efforts. Such information shall include,
22 but not be limited to, a clear description of various options available
23 to the state under the federal Supplemental Nutrition Assistance Program,
24 the department's evaluation of and any action taken by the department
25 with respect to such options, the number of persons being served under
26 such program, and any and all costs and expenditures associated with such
1 program.

2 (c) The Health and Human Services Committee of the Legislature,
3 after receipt and evaluation of the report required in subdivision (b) of
4 this subsection, shall issue recommendations to the department on any
5 further action necessary by the department to meet the requirements of
6 this section.

7 (2)(a) The department shall develop a state outreach plan to promote
8 access by eligible persons to benefits of the Supplemental Nutrition
9 Assistance Program. The plan shall meet the criteria established by the
10 Food and Nutrition Service of the United States Department of Agriculture
11 for approval of state outreach plans. The Department of Health and Human
12 Services may apply for and accept gifts, grants, and donations to develop
13 and implement the state outreach plan.

14 (b) For purposes of developing and implementing the state outreach
15 plan, the department shall partner with one or more counties or nonprofit
16 organizations. If the department enters into a contract with a nonprofit
17 organization relating to the state outreach plan, the contract may
18 specify that the nonprofit organization is responsible for seeking
19 sufficient gifts, grants, or donations necessary for the development and
20 implementation of the state outreach plan and may additionally specify
21 that any costs to the department associated with the award and management
22 of the contract or the implementation or administration of the state
23 outreach plan shall be paid out of private or federal funds received for
24 development and implementation of the state outreach plan.

25 (c) The department shall submit the state outreach plan to the Food
26 and Nutrition Service of the United States Department of Agriculture for
27 approval on or before August 1, 2011, and shall request any federal
28 matching funds that may be available upon approval of the state outreach

29 plan. It is the intent of the Legislature that the State of Nebraska and
30 the Department of Health and Human Services use any additional public or
31 private funds to offset costs associated with increased caseload
1 resulting from the implementation of the state outreach plan.

2 (d) The department shall be exempt from implementing or
3 administering a state outreach plan under this subsection, but not from
4 developing such a plan, if it does not receive private or federal funds
5 sufficient to cover the department's costs associated with the
6 implementation and administration of the plan, including any costs
7 associated with increased caseload resulting from the implementation of
8 the plan.

9 (3)(a)(i) On or before October 1, 2011, the department shall create
10 a TANF-funded program or policy that, in compliance with federal law,
11 establishes categorical eligibility for federal food assistance benefits
12 pursuant to the Supplemental Nutrition Assistance Program to maximize the
13 number of Nebraska residents being served under such program in a manner
14 that does not increase the current gross income eligibility limit.

15 (ii) Such TANF-funded program or policy shall eliminate all asset
16 limits for eligibility for federal food assistance benefits, except that
17 the total of liquid assets which includes cash on hand and funds in
18 personal checking and savings accounts, money market accounts, and share
19 accounts shall not exceed twenty-five thousand dollars pursuant to the
20 Supplemental Nutrition Assistance Program, as allowed under federal law
21 and under 7 C.F.R. 273.2(j)(2).

22 (iii) This subsection becomes effective only if the department
23 receives funds pursuant to federal participation that may be used to
24 implement this subsection.

25 (b) For purposes of this subsection:

26 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
27 U.S.C. 2011 et seq., and regulations adopted under the act; and

28 (ii) TANF means the federal Temporary Assistance for Needy Families
29 program established in 42 U.S.C. 601 et seq.

30 (4)(a) Within the limits specified in this subsection, the State of
31 Nebraska opts out of the provision of the federal Personal Responsibility
1 and Work Opportunity Reconciliation Act of 1996, as such act existed on
2 January 1, 2009, that eliminates eligibility for the Supplemental
3 Nutrition Assistance Program for any person convicted of a felony
4 involving the possession, use, or distribution of a controlled substance.

5 (b) ~~A person shall be ineligible for Supplemental Nutrition
6 Assistance Program benefits under this subsection if he or she (i) has
7 had three or more felony convictions for the possession or use of a
8 controlled substance or (ii) has been convicted of a felony involving the
9 sale or distribution of a controlled substance or the intent to sell or
10 distribute a controlled substance. A person with three or more ~~one or two~~
11 felony convictions for the possession or use of a controlled substance
12 shall only be eligible to receive Supplemental Nutrition Assistance
13 Program benefits under this subsection if he or she is participating in
14 or has completed a state-licensed or nationally accredited substance
15 abuse treatment program since the date of conviction. The determination~~

16 of such participation or completion shall be made by the treatment
17 provider administering the program.

18 Sec. 2. Original section 68-1017.02, Reissue Revised Statutes of
19 Nebraska, is repealed.

20 2. Insert the following new amendment:

21 2. On page 1, strike beginning with "revenue" in line 1 through line
22 5 and insert "public assistance; to amend section 68-1017.02, Reissue
23 Revised Statutes of Nebraska; to change provisions relating to
24 eligibility for Supplemental Nutrition Assistance Program benefits as
25 prescribed; and to repeal the original section."

Senator Chambers withdrew his amendment.

Senator Dorn moved for a call of the house. The motion prevailed with 27
ayes, 3 nays, and 19 not voting.

The Dorn amendment was adopted with 47 ayes, 0 nays, and 2 present and
not voting.

The Chair declared the call raised.

Senator Dorn offered the following amendment:

AM1193

1 1. On page 2, strike beginning with "at" in line 7 through "vote" in
2 line 8 and insert "the affirmative vote of at least a two-thirds majority
3 of all elected members".

The Dorn amendment was adopted with 45 ayes, 0 nays, and 4 present and
not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8
present and not voting.

LEGISLATIVE BILL 268. Title read. Considered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB218:

AM1137

(Amendments to Standing Committee amendments, AM536)

1 1. On page 1, line 11; and page 3, lines 19 and 20, strike "or the
2 public power industry as defined in section 70-601".

3 2. On page 3, lines 22 and 23, strike "or the public power
4 industry".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB62.

VISITOR(S)

Visitors to the Chamber were students from Immanuel Lutheran School, Columbus; Miles Poppleton and Jayger Haag from Plattsmouth; students from St. Gerald Catholic School, Ralston; students from Tekamah-Herman Schools; delegates from One World Leadership Center and their interpreter from the Ukraine; and FFA students and sponsors from Morrill and Mitchell.

RECESS

At 11:46 a.m., on a motion by Senator Slama, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators B. Hansen, La Grone, and Lowe who were excused; and Senators Bolz, Chambers, Groene, and Wayne who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, 61, and 62 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 59, 60, 61, and 62.

GENERAL FILE

LEGISLATIVE BILL 268. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Committee AM761, found on page 887, was offered.

Senator Morfeld offered his amendment, AM955, found on page 991, to the committee amendment.

The Morfeld amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Senator Erdman offered his amendment, AM973, found on page 1004.

SPEAKER SCHEER PRESIDING

SENATOR HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 217. Placed on Final Reading.

ST13

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

1. In the E & R amendments, ER49, on page 1, line 4, "compensation" has been struck and "wages, benefits, or other compensation" inserted.

LEGISLATIVE BILL 269. Placed on Final Reading.

LEGISLATIVE BILL 590. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB570:
AM1205

(Amendments to Standing Committee amendments, AM470)

1 1. Insert the following new section:

2 Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
5 Treasurer shall transfer (a) sixty million three hundred thousand dollars
6 on or before July 15, 2014, (b) sixty million three hundred fifty
7 thousand dollars on or before July 15, 2015, (c) sixty million three
8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
9 million seven hundred thousand dollars on or before July 15, 2017, (e)
10 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
11 million six hundred thousand dollars on or before July 15, 2018, (g)
12 sixty-one million ~~four~~ ~~three~~ hundred fifty thousand dollars on or before
13 July 15, 2019, and (h) sixty million four hundred fifty thousand dollars
14 on or before every July 15 thereafter from the Nebraska Medicaid
15 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust
16 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
17 be reduced by the amount of the unobligated balance in the Nebraska
18 Health Care Cash Fund at the time the transfer is made. The state
19 investment officer shall advise the State Treasurer on the amounts to be
20 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
21 until the fund balance is depleted and from the Nebraska Tobacco
22 Settlement Trust Fund thereafter in order to sustain such transfers in
23 perpetuity. The state investment officer shall report electronically to
24 the Legislature on or before October 1 of every even-numbered year on the
25 sustainability of such transfers. The Nebraska Health Care Cash Fund
26 shall also include money received pursuant to section 77-2602. Except as
1 otherwise provided by law, no more than the amounts specified in this
2 subsection may be appropriated or transferred from the Nebraska Health
3 Care Cash Fund in any fiscal year.

4 The State Treasurer shall transfer ten million dollars from the
5 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
6 June 28, 2018, and June 28, 2019.

7 It is the intent of the Legislature that no additional programs are
8 funded through the Nebraska Health Care Cash Fund until funding for all
9 programs with an appropriation from the fund during FY2012-13 are
10 restored to their FY2012-13 levels.

11 (2) Any money in the Nebraska Health Care Cash Fund available for
12 investment shall be invested by the state investment officer pursuant to
13 the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act.

15 (3) The University of Nebraska and postsecondary educational
16 institutions having colleges of medicine in Nebraska and their affiliated
17 research hospitals in Nebraska, as a condition of receiving any funds
18 appropriated or transferred from the Nebraska Health Care Cash Fund,
19 shall not discriminate against any person on the basis of sexual
20 orientation.

21 (4) The State Treasurer shall transfer fifty thousand dollars on or
22 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
23 Board of Regents of the University of Nebraska for the University of
24 Nebraska Medical Center. It is the intent of the Legislature that these
25 funds be used by the College of Public Health for workforce training.

26 (5) It is the intent of the Legislature that the cost of the staff
 27 and operating costs necessary to carry out the changes made by Laws 2018,
 28 LB439, and not covered by fees or federal funds shall be funded from the
 29 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.
 30 2. Renumber the remaining sections and correct the repealer
 31 accordingly.

Senator Howard filed the following amendment to LB570A:
 AM1206

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

3 Section 1. Laws 2018, LB944, section 15, is amended to read:

4 Sec. 15. AGENCY NO. 3 — LEGISLATIVE COUNCIL

5 Program No. 122 - Legislative Services

6	FY2017-18	FY2018-19
7 GENERAL FUND	9,510,388	9,645,982
8 CASH FUND	75,000	75,000
9 FEDERAL FUND est.	39,270	39,270
10 PROGRAM TOTAL	9,624,658	9,760,252
11 SALARY LIMIT	7,116,064	7,168,457

12 There is included in the appropriation to this program for FY2017-18
 13 \$75,000 Cash Funds and for FY2018-19 \$75,000 Cash Funds from the Nebraska
 14 Health Care Cash Fund for the purpose of ongoing health-related research
 15 and public policy development by the Health and Human Services Committee
 16 of the Legislature. Such funds may be used for, but shall not be limited
 17 to, hiring temporary legal research assistance, consulting and research
 18 contracts, reimbursement for necessary and appropriate expenses incurred
 19 in connection with such research and policy development, and actual and
 20 necessary travel reimbursement for task forces and committees established
 21 to conduct health policy work.

22 The unexpended General Fund appropriation balance existing on June
 23 30, 2017, is hereby reappropriated.

24 The unexpended and unobligated balance in the Nebraska Health Care
 25 Cash Fund appropriation shall be reduced by \$142,199 on or before June
 26 15, 2019.

27 Sec. 2. There is hereby appropriated (1) \$18,600 from the Nebraska
 1 Health Care Cash Fund for FY2018-19, (2) \$43,570 from the Nebraska Health
 2 Care Cash Fund for FY2019-20, and (3) \$43,570 from the Nebraska Health
 3 Care Cash Fund for FY2020-21 to the Department of Health and Human
 4 Services, for Program 33, to aid in carrying out the provisions of
 5 Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019.
 6 No expenditures for permanent and temporary salaries and per diems
 7 for state employees shall be made from funds appropriated in this
 8 section.

9 Sec. 3. There is hereby appropriated (1) \$18,600 from federal funds
 10 for FY2018-19, (2) \$43,570 from federal funds for FY2019-20, and (3)
 11 \$43,570 from federal funds for FY2020-21 to the Department of Health and
 12 Human Services, for Program 33, to aid in carrying out the provisions of
 13 Legislative Bill 570, One Hundred Sixth Legislature, First Session, 2019.

14 No expenditures for permanent and temporary salaries and per diems
 15 for state employees shall be made from funds appropriated in this
 16 section.
 17 Sec. 4. It is the intent of the Legislature to appropriate \$36,459
 18 from the Nebraska Health Care Cash Fund for FY2021-22 to the Department
 19 of Health and Human Services, for Program 33.
 20 Sec. 5. Original Laws 2018, LB944, section 15, is repealed.
 21 Sec. 6. Since an emergency exists, this act takes effect when
 22 passed and approved according to law.

Senator Walz filed the following amendment to LB570:
 AM970

(Amendments to Standing Committee amendments, AM470)

1 1. On page 3, line 6, strike "June 30" and insert "November 1".

Senator Bostelman filed the following amendment to LB698:
 AM911

(Amendments to Standing Committee amendments, AM554)

1 1. Strike amendment 1 and insert the following new amendment:
 2 1. Strike the original sections and insert the following new
 3 sections:
 4 Section 1. Section 60-6,304, Revised Statutes Cumulative Supplement,
 5 2018, is amended to read:
 6 60-6,304 (1)(a) Except as provided in subsection (2) of this section
 7 for a vehicle that contained livestock, but still contains the manure or
 8 urine of such livestock, no vehicle shall be driven or moved on any
 9 highway unless the vehicle is so constructed or loaded as to prevent its
 10 contents from dropping, sifting, leaking, or otherwise escaping from the
 11 vehicle.
 12 (b) Except as provided in subsection (2) of this section for a
 13 vehicle that contained livestock, but still contains the manure or urine
 14 of such livestock, no person shall transport any sand, gravel, rock less
 15 than two inches in diameter, or refuse in any vehicle on any hard-
 16 surfaced state highway if such material protrudes above the sides of that
 17 part of the vehicle in which it is being transported unless such material
 18 is enclosed or completely covered with canvas or similar covering.
 19 (c) Except as provided in subsection (3) of this section for
 20 commercial motor vehicles and commercial trailers, no ~~No~~ person shall
 21 drive or move a motor vehicle, trailer, or semitrailer upon any highway
 22 unless the cargo or contents carried by the motor vehicle, trailer, or
 23 semitrailer are properly distributed and adequately secured to prevent
 24 the falling of cargo or contents from the vehicle. The tailgate, doors,
 25 tarpaulins, and any other equipment used in the operation of the motor
 26 vehicle, trailer, or semitrailer or in the distributing or securing of
 1 the cargo or contents carried by the motor vehicle, trailer, or
 2 semitrailer shall be secured to prevent cargo or contents falling from
 3 the vehicle. The means of securement to the motor vehicle, trailer, or
 4 semitrailer must be either tiedowns and tiedown assemblies of adequate
 5 strength or sides, sideboards, or stakes and a rear endgate, endboard, or

6 stakes strong enough and high enough to assure that cargo or contents
7 will not fall from the vehicle.

8 (d) Any person who violates any provision of this subsection is
9 guilty of a Class IV misdemeanor.

10 (2)(a) No person operating any vehicle that contained livestock, but
11 still contains the manure or urine of livestock, on any highway located
12 within the corporate limits of a city of the metropolitan class, shall
13 spill manure or urine from the vehicle.

14 (b) Any person who violates this subsection is guilty of a Class IV
15 misdemeanor and shall be assessed a minimum fine of at least two hundred
16 fifty dollars.

17 (3)(a) No person shall drive or move a commercial motor vehicle or
18 commercial trailer upon any highway unless the cargo or contents carried
19 by the commercial motor vehicle or commercial trailer are properly
20 distributed and adequately secured to prevent the falling of cargo or
21 contents from the vehicle. The tailgate, doors, tarpaulins, and any other
22 equipment used in the operation of the commercial motor vehicle or
23 commercial trailer or in the distributing or securing of the cargo or
24 contents carried by the commercial motor vehicle or commercial trailer
25 shall be secured to prevent cargo or contents falling from the vehicle.
26 The structures, systems, parts, and components used to secure the cargo
27 or contents shall be in proper working order with no damaged or weakened
28 components that affect performance so as to cause the cargo or contents
29 to fall from the commercial motor vehicle or commercial trailer. The
30 means of securement to the commercial motor vehicle or commercial trailer
31 shall be either tiedowns and tiedown assemblies of adequate strength or
1 sides, sideboards, or stakes and a rear endgate, endboard, or stakes
2 strong enough and high enough to ensure that cargo or contents will not
3 fall from the commercial motor vehicle or commercial trailer.

4 (b)(i) Violation of this subsection is an infraction, and the person
5 driving or moving a commercial motor vehicle or commercial trailer in
6 violation of this subsection shall be fined two hundred dollars for the
7 first offense and five hundred dollars for a second or subsequent
8 offense.

9 (ii) In addition to the issuance of a citation to an operator under
10 subdivision (b)(i) of this subsection, the Superintendent of Law
11 Enforcement and Public Safety may assess the owner of the vehicle a civil
12 penalty for each violation of this subsection of one thousand dollars.
13 The superintendent shall issue an order imposing a penalty under this
14 subdivision in the same manner as an order issued under section 75-369.04
15 and any rules and regulations adopted and promulgated under section
16 75-368 and any applicable federal rules and regulations.

17 (c) For purposes of this subsection:

18 (i) Commercial motor vehicle has the same meaning as in section
19 60-316; and

20 (ii) Commercial trailer has the same meaning as in section 60-317.

21 Sec. 2. Original section 60-6,304, Revised Statutes Cumulative
22 Supplement, 2018, is repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB418.

Senator DeBoer name added to LB424.

Senator Morfeld name added to LB709.

Senator M. Hansen name added to LB709.

Senator Vargas name added to LB709.

VISITOR(S)

Visitors to the Chamber were students and teacher from Sutton Christian School; students from St. Joseph Catholic School, York; and FFA students, teacher, and sponsor from Banner County High School.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

ADJOURNMENT

At 5:05 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Friday, April 5, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

