

Legislative Activity pertinent to Environmental, Health, and Safety Professionals

As of: March 24, 2015

<u>Unicameral Bill / Constitutional Amendment</u>	<u>Status</u>
<p>LB28 – Adopt the Radon Resistant New Construction Act LB28 mandates that the DHHS create rules and regulations to regulate radon resistant residential new construction. [Editor’s Note: Creates a licensed “Radon Mitigation Specialist” as well as a “Radon Resistant New Construction Task Force” – Our CIH brethren should take note to ensure their designation is protected – there is no mention of a CIH in this bill.]</p>	<p>Mar 11 HHS AM708 filed Mar 11 Placed on General File with AM708 Feb 18 Krist AM368 filed Feb 10 Notice of hearing for February 27, 2015 Jan 12 Referred to HHS Committee Jan 08 Date of introduction</p>
<p>LB31 – Eliminate motorcycle and moped helmet requirements Currently, all motorcycle or moped operators are required to wear protective helmets on public highways. LB31 would repeal the motorcycle helmet requirement and provides operators with the choice. Committee decided on the following: Currently the section requires that no person shall operate or be a passenger upon a motorcycle of moped unless such person is wearing an approved protective helmet. The section is amended to provide that any person at least 21 years of age or older shall be exempt from the requirement to wear a protective helmet. Additionally, the amendment provides that any person operating a motorcycle or moped shall wear eye protection. "Eye protection" is defined by the committee amendment as glasses that cover the orbital region of the face, a protective face shield attached to a helmet, goggles, or a windshield attached to the motorcycle or moped.</p>	<p>Mar 23 Bloomfield MO56 failed Mar 23 Bloomfield MO56 Invoke cloture filed Mar 23 Hilkemann AM942 pending Mar 23 Hilkemann AM942 pending Mar 23 Hilkemann AM939 withdrawn Mar 20 Hilkemann AM942 filed Mar 20 Schumacher AM973 filed Mar 20 Gloor AM954 filed Mar 20 Chambers MO55 withdrawn Mar 20 Chambers MO55 Bracket until June 5 filed Mar 20 Hilkemann AM939 pending Mar 20 Hilkemann AM939 filed Mar 20 Baker AM870 lost Mar 20 Baker AM870 pending Mar 20 Baker AM870 filed Mar 20 Trans and Tele AM359 pending Mar 19 Hilkemann MO53 failed Mar 19 Hilkemann MO53 Bracket until June 5 filed Mar 19 Transportation and Tele AM359 pending Mar 09 Transportation and Tele AM359 filed Mar 09 Placed on General File with AM359 Feb 24 Bloomfield priority bill Jan 29 Notice of hearing for February 09 Jan 28 Schilz name added Jan 28 Murante name added Jan 28 Larson name added Jan 28 Coash name added Jan 27 Hughes name added Jan 26 Schumacher name added Jan 26 Morfeld name added Jan 26 McCoy name added Jan 26 Krist name added Jan 26 Davis name added Jan 26 Schnoor name added Jan 26 Kintner name added Jan 26 Groene name added Jan 26 Ebke name added Jan 12 Referred to Trans and Tele Committee Jan 08 Date of introduction</p>

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<p>LB34 - Adopt the Carbon Monoxide Safety Act Seeks to ensure that adequate measures are taken to prevent Carbon monoxide poisoning in Nebraska homes. To that end, LB 34 would require the installation and maintenance of carbon monoxide detectors with alarms in any dwelling sold, rented, or for which a building permit is issued after January 1, 2017.</p>	<p style="text-align: center;"><i>Approved by the Governor March 18, 2015</i></p>
<p>LB133 - Change interest rate provisions on certain Nebraska Workers' Compensation Court awards. Bill would revise the interest rate applicable to an award of workers' compensation benefits in cases in which an attorney's fee is allowed from the rate provided in section 45-104.01 (14%) to the rate provided in section 45-103 (judgment interest rate). The judgment interest rate is two percentage points above the bond investment yield of the 26 week U.S. Treasury bill in effect at the time of the judgment. The State Court Administrator is required to distribute notice of such rate and any changes to it to all Nebraska judges to be in effect two weeks after the date the auction price is published by the Secretary of the Treasury of the United States. Effective January 16, 2015, the judgment interest rate is 2.132%.</p>	<p>Feb 02 Notice of hearing for February 23, 2015 Jan 12 Referred to Business and Labor Committee Jan 09 Date of introduction</p>
<p>LB134 - Change provisions relating to first injury reports under the Nebraska Workers' Compensation Act. LB 134 would make first injury reports relating to workplace injuries confidential, unless the employee waives confidentiality to allow the report to be made available for public inspection, except as necessary for the Compensation Court to administer and enforce other provisions of the Nebraska Workers' Compensation Act. (Editor's Note: This is introduced nearly every year. Will not go anywhere because the attorney lobby will beat it).</p>	<p>Feb 02 Notice of hearing for 02/23/2015 Jan 12 Referred to Business and Labor Comm Jan 09 Date of introduction</p>
<p>LB158 - Deny compensation under the Nebraska Workers' Compensation Act in situations of false representation. LB 158 would reinstate the defense of employee misrepresentation for employers to avoid having to pay benefits arising from an injury or condition resulting from misrepresentations made by the employee when applying for a position with the employer. [Editor's note: this has been tried before, I don't expect it to go anywhere – this is why employers should conduct pre-employment physicals].</p>	<p>Feb 02 Notice of hearing for 03/02/2015 Jan 14 Referred to Business and Labor Comm Jan 12 Date of introduction</p>

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<p>LB174 - Redefine nonpoint source control systems under the Wastewater Treatment Facilities Construction Assistance Act. LB 174 would amend the Wastewater Treatment Facilities Construction Assistance Act to include previously un-included nonpoint control systems. Under LB 174, the new nonpoint control system definition would include protection measures to protect or enhance any waters or aquatic habitats impacted by natural or anthropogenic sources. Appropriate projects would include the prevention of runoff or leeching.</p>	<p>Jan 15 Notice of hearing for 01/22/2015 Jan 14 Referred to Natural Resources Committee Jan 12 Date of introduction</p>
<p>LB181 - Change rotating and flashing light provisions for motor vehicles LB 181 would permit flashing or rotating blue and amber lights to be displayed on vehicles operated by a public utility for construction, maintenance and repair of infrastructure on or near any highway. [Editor’s note: this was a no-brainer; blue lights are seen better at night – just ask pilots]</p>	<p style="text-align: center;">Approved by the Governor March 16, 2015</p>
<p>LB270 - Create and eliminate funds administered by the Department of Labor. LB270 seeks to combine three separate cash funds for three programs administered by the Department of Labor into one cash fund. The Farm Contractor Registration Act was passed in 1987 (LB 344), the Contractor Registration Program was passed in 1994 (LB 248) and the Professional Employer Organization Act was passed in 2010 (LB 563). Currently, each program has its own cash fund. The programs are all administered by approximately six staff of the Department of Labor. The intent is to combine the three cash funds, so staff is not required to separately administer three separate cash funds.</p>	<p>Feb 12 Placed on General File Jan 16 Notice of hearing for 01/26/2015 Jan 15 Referred to Bus & Labor Comm Jan 14 Date of introduction</p>

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<p>LB276 - Exempt certified independent contractors from the Nebraska Workers' Compensation Act. The purpose of Legislative Bill 276 is to establish a process for an individual to apply to the Department of Labor in order to be a certified independent contractor. If an individual becomes a certified independent contractor they would be exempt from all requirements to be covered under a policy of workers' compensation insurance pursuant to the Nebraska Workers' Compensation Act and would be precluded from obtaining any benefits under the act. The costs of the program would be covered by the fees charged to the individuals. LB276 also establishes that an individual would be guilty of a Class II misdemeanor if they provide false information during the application process. [Editor's note: This will be interesting. Right now, if a contractor/sub-contractor does not have Work Comp, they can go onto the Work Comp of the company that contracted them and the company didn't know (which is why insurance companies insist that you get a Certificate of Insurance from all vendors)].</p>	<p>Feb 18 Kolterman name added Feb 02 Notice of hearing for February 23, 2015 Jan 15 Referred to Business and Labor Committee Jan 14 Date of introduction</p>
<p>LB306 - Change the Conveyance Safety Act Currently, licensed elevator mechanics are required to make the construction, operation, inspection, testing, maintenance and repair of conveyances in Douglas, Lancaster and Sarpy Counties. LB 306 would make the same requirement consistent for the all of Nebraska. Licensed elevator mechanics are not required for repair in dwellings, but inspections are required upon installations and transfers of property. The Conveyance Safety Act does not apply to conveyances that are used for agricultural purposes.</p>	<p>Feb 02 Notice of hearing for February 09, 2015 Jan 16 Referred to Business and Labor Committee Jan 15 Date of introduction</p>
<p>LB313 - Update certain references to federal regulations regarding motor vehicles and motor carriers</p>	<p><i>Approved by the Governor March 12, 2015</i></p>
<p>LB328 - Change provisions of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act. LB 328 would clarify that certain investigation and inspection activities are allowed uses of the Private Onsite Wastewater Treatment System Certification and Registration Cash Fund, and that professional engineers and environmental health specialists licensed and registered in Nebraska are eligible to work on private onsite wastewater treatment systems.</p>	<p>Mar 04 Placed on General File Jan 27 Notice of hearing for 02/04/2015 Jan 16 Referred to Natural Resources Committee Jan 15 Date of introduction</p>

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<p>LB363 - Provide time limits and penalties for late medical payments under the Nebraska Workers' Compensation Act. LB 363 requires that medical payments payable under the Nebraska Workers' Compensation Act shall be payable within 30 days after notice has been given or within 30 days after the entry of a final order, award, or judgment of the compensation court. It adds 50 percent to the payable amount if the medical payment is delinquent thirty days or more.</p>	<p>Feb 02 Notice of hearing for March 02, 2015 Jan 16 Referred to Business and Labor Committee Jan 15 Date of introduction</p>
<p>LB373 - Change provisions regarding school bus safety. LB 373 would require every school bus manufactured on or after the effective date of the act and purchased on or after January 1, 2016, for the transport of Nebraska school children, to be equipped with lap-shoulder belts sufficient for each passenger to use a separate belt. Students riding in buses equipped with lap-shoulder belts would be required to wear the belts at all times while the bus is in operation. [Editor's note: This has been tried before. One has to be careful about seat belts in school buses – they can become weapons].</p>	<p>Feb 24 Kolterman name added Jan 29 Notice of hearing for Feb 23, 2015 Jan 16 Referred to Trans & Tele Committee Jan 15 Date of introduction</p>
<p>LB388 - Provide annual adjustments for total disability income benefits under the Nebraska Workers' Compensation Act. LB388 would simply apply the same formula used to calculate the maximum benefits to the actual award of benefits on an annual basis.</p>	<p>Feb 02 Notice of hearing for March 02, 2015 Jan 16 Referred to Business and Labor Committee Jan 15 Date of introduction</p>
<p>LB480 - Change provisions relating to computing compensation under the Nebraska Workers' Compensation Act. The purpose of Legislative Bill 480 is to amend state statute 48-119 to change "seven weeks" to "forty-two days" and "began" to "started". [Editor's note: semantics]</p>	<p>Mar 11 Bus & Labor priority bill Feb 02 Notice of hearing for March 09, 2015 Jan 22 Referred to Business and Labor Committee Jan 20 Date of introduction</p>
<p>LB493 - Adopt the Healthy and Safe Families and Workplaces Act. The intent of LB 493 is to require businesses to provide employees a minimum of one hour of paid sick and safe time for every 30 hours worked, up to 40 hours per year. [Editor's note: highly doubtful this will pass.]</p>	<p>Feb 02 Notice of hearing for Feb 09, 2015 Jan 22 Referred to Business and Labor Committee Jan 20 Date of introduction</p>

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<p>LB517 - Prohibit certain uses of interactive wireless communication devices while driving. LB 517 states no person shall operate a motor vehicle on a highway while holding an interactive wireless communication device in order to talk, listen, view, record, or transmit images or text, play games, or otherwise access any data.</p> <p>LB 517 does not apply to emergency situations, persons acting within the performance of their official duties, including: law enforcement, member of a fire department, or the operator of an emergency vehicle, or a person in a motor vehicle which is stopped on the side of or off of a highway.</p> <p>A violation of LB 517 will result in 3 point infraction.</p>	<p>Jan 29 Notice of hearing for Feb 23, 2015 Jan 23 Referred to Trans & Tele Committee Jan 21 Date of introduction</p>
<p>LB540 - Adopt updated international building code standards. LB 540 would update the state building code by adopting the 2012 versions of the following codes:</p> <ol style="list-style-type: none">1. The International Building Code (IBC), which covers all new construction except one and two-family dwellings;2. The International Residential Code (IRC), which covers new construction of one- and two-family dwellings; and3. The International Existing Building Code (IEBC), which covers repair, alteration, addition, and change of occupancy for existing buildings. <p>LB 540 would not adopt the provisions in the 2012 IBC and IRC which correspond with the 2012 International Energy Conservation Code (IECC), as the current state energy code is the 2009 IECC.</p> <p>LB 540 also would not adopt the requirement in the 2012 IRC that new one- and two-family dwellings and townhouses include a fire sprinkler system. Under the bill, the state building code would continue to exclude the residential fire sprinkler mandate, but political subdivisions would retain the ability to "opt in" to the fire sprinkler mandate. [Editor's note: typical code sync.]</p>	<p>Mar 16 Speaker priority bill Mar 04 Placed on General File Jan 26 Notice of hearing for February 17, 2015 Jan 23 Referred to Urban Affairs Committee Jan 21 Date of introduction</p>
<p>LB556 - Waive workers' compensation as the exclusive remedy if an employer is willfully negligent LB556 would, at the option of the employee, make the exclusive remedy protection for the employer inapplicable in cases where the Nebraska Workers' Compensation Court has made a determination that the injury is due to the willful negligence of the employer. [Editor's note: highly doubtful this will pass].</p>	<p>Feb 02 Notice of hearing for Feb 23, 2015 Jan 23 Referred to Business and Labor Committee Jan 21 Date of introduction</p>

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<p>LB597 - Adopt the Contract Carrier Safety Act.</p> <p>LB597 adopts the Contract Carrier Safety Act, which is intended to set minimum standards for railroad contract carrier regulation and safety. LB597 requires a contract carrier transporting railroad employees to maintain uninsured and under-insured motorist coverage of \$500,000 for each passenger in each vehicle. LB597 also requires a contract carrier to maintain an insurance policy of \$500,000 per person for bodily injury or death, up to a maximum of \$5 million for each vehicle.</p> <p>The Public Service Commission will enforce the Contract Carrier Safety Act, and any violation of the Act will be subject to a civil penalty of up to \$2,000 for each violation. [Editor's note: for businesses the haul railroad crews, they must have increased limits of liability]</p>	<p>Jan 29 Notice of hearing for Feb 09, 2015 Jan 23 Referred to Trans & Tele Committee Jan 21 Date of introduction</p>
<p>LB611 - Require private employers to use the E-Verify Program. Legislative Bill 611 would amend Section 4-114 to extend the current Nebraska requirement for public employers and contractors to use the federal E-Verify program, which is used to confirm the citizenship or immigration status of employees, to also require private employers to use the federal E-Verify program to confirm such legal status of their employees, beginning January 1, 2016.</p>	<p>Jan 26 Notice of hearing for Feb 02, 2015 Jan 23 Referred to Business and Labor Committee Jan 21 Date of introduction</p>