

NINETEENTH DAY - FEBRUARY 3, 2016**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 2016

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Craighead, McCoy, and Pansing Brooks who were excused; and Senators Coash, Davis, K. Haar, Mello, Morfeld, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 477, line 20, after "LB828" insert "(rehearing)".
The Journal for the seventeenth day was approved as corrected.

The Journal for the eighteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 759. Placed on Select File.

LEGISLATIVE BILL 760. Placed on Select File.

LEGISLATIVE BILL 761. Placed on Select File.

LEGISLATIVE BILL 771. Placed on Select File.

LEGISLATIVE BILL 699. Placed on Select File.

LEGISLATIVE BILL 751. Placed on Select File with amendment.
ER155

1 1. On page 1, line 5, after the semicolon insert "to change certain
2 notice provisions;".

LEGISLATIVE BILL 695. Placed on Select File.

LEGISLATIVE BILL 702. Placed on Select File.

LEGISLATIVE BILL 775. Placed on Select File.

LEGISLATIVE BILL 737. Placed on Select File with amendment.
ER157

1 1. On page 1, strike beginning with "environmental" in line 1
2 through line 9 and insert "the Wastewater Treatment Facilities
3 Construction Assistance Act; to amend sections 81-15,149, 81-15,150,
4 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes
5 of Nebraska; to redefine a term; to change powers of the Director of
6 Environmental Quality; to change provisions relating to the Wastewater
7 Treatment Facilities Construction Loan Fund, categories of loan
8 eligibility, eligible items, loan conditions, and loan terms; and to
9 repeal the original sections."

LEGISLATIVE BILL 876. Placed on Select File.

LEGISLATIVE BILL 853. Placed on Select File.

LEGISLATIVE RESOLUTION 26CA. Placed on Select File with amendment.

ER156

1 1. On page 1, line 1, strike "FIRST" and insert "SECOND".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 837. Placed on General File.

LEGISLATIVE BILL 942. Placed on General File.

LEGISLATIVE BILL 1035. Placed on General File with amendment.
AM1964

1 1. On page 4, line 6, after the period insert "For each farm product
2 list, the fee shall be an amount determined by the Secretary of State not
3 to exceed two hundred dollars per year."; strike beginning with "on" in
4 line 16 through "basis" in line 17, show the old matter as stricken, and
5 insert "not more often than once every month and not less often than once
6 every three months as determined by the Secretary of State"; and in line
7 21 strike "therefor", show as stricken, and insert "for such lists, not
8 to exceed the charges provided for in subdivision (4) of this section".
9 2. On page 6, strike beginning with "on" in line 23 through "basis"
10 in line 24, show the old matter as stricken, and insert "not more often
11 than once every month and not less often than once every three months on
12 the date".
13 3. On page 7, line 12, after the period insert "For each master lien
14 list, the fee shall be an amount determined by the Secretary of State not
15 to exceed two hundred dollars per year."; and in line 16 strike
16 "therefor", show as stricken, and insert "for such lists, not to exceed
17 the charges provided for in this subsection".

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Courtney Dentlinger, Director - Department of Economic Development

Aye: 7 Campbell, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams.
Nay: 0. Absent: 1 Craighead. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 2, 2016

Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Information Officer:

Edward A. Toner, 3814 S. 192 Street, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR423 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR423.

GENERAL FILE

LEGISLATIVE BILL 295. Title read. Considered.

Committee AM323, found on page 538, First Session, 2015, was offered.

Senator Crawford offered her amendment, AM556, found on page 1465, First Session, 2015, to the committee amendment.

The Crawford amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 221. Title read. Considered.

Committee AM467, found on page 611, First Session, 2015, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 53. Title read. Considered.

Senator Scheer offered his amendment, AM762, found on page 814, First Session, 2015.

SENATOR KRIST PRESIDING

The Scheer amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Committee AM386, found on page 692, First Session, 2015, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Friesen offered his amendment, AM1967, found on page 479.

The Friesen amendment was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 400. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 400A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 378. Title read. Considered.

Corrected committee AM637, found on page 729, First Session, 2015, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 10, 2016 1:30 p.m.

LB912
LB1109

Thursday, February 11, 2016 1:30 p.m.

LB754
LB1073
LB878
LB877

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

Wednesday, February 10, 2016 1:30 p.m.

LB696
LB1032

Thursday, February 11, 2016 1:00 p.m.

DHHS Division of Behavioral Health Annual Committee Briefing
 Sheri Dawson - Department of Health and Human Services
 LB985
 LB804
 LB891

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
 Education

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

Stan H. Carpenter - Nebraska Educational Telecommunications Commission

Aye: 7 Baker, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 1 Krist. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 734. Placed on General File.

LEGISLATIVE BILL 692. Placed on General File with amendment.
 AM1883

1 1. On page 4, strike lines 20 through 24; in line 25 strike "(iii)" and insert "(ii)"; in line 27 strike "(iv)" and insert "(iii)"; in line 28 strike "(v)" and insert "(iv)"; and in line 30 strike "(vi)" and insert "(v)".
 2. On page 5, line 2, strike "(vii)" and insert "(vi)"; and in line 6 strike "(viii)" and insert "(vii)".

LEGISLATIVE BILL 726. Placed on General File with amendment.
 AM1882

1 1. On page 2, line 4, strike "An" and insert "Beginning with school year 2017-18, an".

(Signed) Kate Sullivan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB28:
 AM1986

(Amendments to Standing Committee amendments, AM708)

1 1. On page 4, line 15, strike "2015" and insert "2016" and strike "2016" and insert "2017"; and in line 18 strike "2016" and insert "2017".

Senator Krist filed the following amendment to LB28:
AM1788

(Amendments to Standing Committee amendments, AM708)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and may be
- 4 cited as the Radon Resistant New Construction Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Radon is a radioactive element that is part of the radioactive
- 7 decay chain of naturally occurring uranium in soil;
- 8 (2) Radon is the leading cause of lung cancer among nonsmokers and
- 9 the number one risk in homes according to the Harvard School of Public
- 10 Health, Harvard Center for Risk Analysis;
- 11 (3) The World Health Organization Handbook on Indoor Radon includes
- 12 key messages which state:
- 13 (a) "There is no known threshold concentration below which radon
- 14 exposure presents no risk."; and
- 15 (b) "The majority of radon-induced lung cancers are caused by low
- 16 and moderate radon concentrations rather than by high radon
- 17 concentrations, because in general less people are exposed to high indoor
- 18 radon concentrations.";
- 19 (4) The Surgeon General of the United States urged Americans to test
- 20 their homes to find out how much radon they might be breathing;
- 21 (5) The United States Environmental Protection Agency estimates that
- 22 more than twenty thousand Americans die of radon-related lung cancer each
- 23 year; and
- 24 (6) The United States Environmental Protection Agency has identified
- 25 radon levels in Nebraska as the third highest in the United States
- 26 because of the high concentration of uranium in the soil.
- 1 Sec. 3. For purposes of the Radon Resistant New Construction Act:
- 2 (1) Active radon mitigation system means a family of radon
- 3 mitigation systems involving mechanically driven soil depressurization,
- 4 including subslab depressurization, drain tile depressurization, block
- 5 wall depressurization, and submembrane depressurization. Active radon
- 6 mitigation system is also known as active soil depressurization;
- 7 (2) Building code means an ordinance, resolution, or law that
- 8 establishes standards applicable to new construction;
- 9 (3) Building contractor means any individual, corporation,
- 10 partnership, limited liability company, or other business entity that
- 11 engages in new construction;
- 12 (4) Department means the Department of Health and Human Services;
- 13 (5) New construction means any original construction of a single-
- 14 family home or a multifamily dwelling, including apartments, group homes,
- 15 condominiums, and townhouses, or any original construction of a building
- 16 used for commercial, industrial, educational, or medical purposes. New
- 17 construction does not include additions to existing structures or
- 18 remodeling of existing structures;
- 19 (6) Passive new construction pipe means a pipe installed in new

20 construction that relies solely on the convective flow of air upward for
21 soil gas depressurization and may consist of multiple pipes routed
22 through conditioned space from below the foundation to above the roof;
23 and

24 (7) Radon mitigation specialist means an individual who is licensed
25 by the department as a radon mitigation specialist in accordance with the
26 Radiation Control Act.

27 Sec. 4. (1) The Radon Resistant New Construction Task Force is
28 created. The task force shall consist of the chief medical officer of the
29 Division of Public Health of the Department of Health and Human Services
30 as designated in section 81-3115 or his or her designee, who shall serve
31 as the chairperson of the task force, and the following additional
1 members to be appointed by the Governor:

2 (a) Three representatives of home builders' associations in
3 Nebraska, each from a different congressional district;

4 (b) A representative of a home inspectors' association in Nebraska;

5 (c) Two representatives of commercial construction associations, one
6 of whom must have experience related to large-scale projects and one of
7 whom must have experience related to medium-scale to small-scale
8 projects;

9 (d) A representative of a Nebraska realtors' organization;

10 (e) A representative of a respiratory disease organization;

11 (f) A representative of a cancer research and prevention
12 organization;

13 (g) A representative of the League of Nebraska Municipalities;

14 (h) Three community public health representatives, each from a
15 different congressional district;

16 (i) A professional engineer as defined in section 81-3422;

17 (j) An architect as defined in section 81-3404; and

18 (k) A representative with expertise in residential or commercial
19 building codes.

20 (2) The task force shall meet at the call of the chairperson. The
21 appointed members of the task force shall serve without compensation but
22 shall be reimbursed for their actual and necessary expenses as provided
23 in sections 81-1174 to 81-1177. The department shall provide staff and
24 support for the operation of the task force.

25 (3) The task force shall develop minimum standards for radon
26 resistant new construction and shall recommend such minimum standards to
27 the Governor, to the Health and Human Services Committee of the
28 Legislature, and to the Urban Affairs Committee of the Legislature. In
29 developing such minimum standards, the task force shall:

30 (a) Design the minimum standards so that they may be enforced by a
31 county, city, or village as part of its local building code;

1 (b) Consider Appendix F of the International Residential Code for
2 One- and Two-Family Dwellings, 2012 edition, published by the
3 International Code Council; and

4 (c) Consider including the following provisions in such minimum
5 standards:

6 (i) A requirement that the installation of an active radon

7 mitigation system only be performed by a building contractor or his or
8 her subcontractors or by a radon mitigation specialist;
9 (ii) A requirement that the installation of radon resistant new
10 construction only be performed by a building contractor or his or her
11 subcontractors or by a radon mitigation specialist; and
12 (iii) A requirement that only a building contractor or his or her
13 subcontractors or a radon mitigation specialist be allowed to install a
14 radon vent fan or upgrade a passive new construction pipe to an active
15 radon mitigation system.
16 (4) The task force shall provide its recommendations by April 15,
17 2017. The task force and this section terminate on May 1, 2017.
18 Sec. 5. It is the intent of the Legislature that the recommendations
19 provided by the Radon Resistant New Construction Task Force under section
20 4 of this act be used by the Legislature during the 2018 legislative
21 session to establish, in statute, minimum standards for radon resistant
22 new construction.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 429. Introduced by Cook, 13.

WHEREAS, Cynthia Butler-McIntyre was the 24th National President of Delta Sigma Theta Sorority, Incorporated; and

WHEREAS, Cynthia was initiated into Delta Sigma Theta through the Beta Gamma Chapter of Dillard University in 1973; and

WHEREAS, Cynthia has served the sorority on local, state, regional, and national levels; and

WHEREAS, Cynthia has spent her professional career as a nationally recognized educator, mentor, and advocate for excellence in education; and

WHEREAS, Cynthia was presented with the prestigious National Alliance of Black School Educators Lifetime Achievement Award in Education; and

WHEREAS, Delta Sigma Theta is celebrating its 103rd anniversary in 2016; and

WHEREAS, the primary mission of Delta Sigma Theta is to provide assistance and support through established programs in local communities and throughout the world and to confront the challenges facing African Americans; and

WHEREAS, Delta Sigma Theta has been serving Nebraska communities since the Omicron Chapter of the University of Nebraska-Lincoln was chartered in 1922.

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

1. That the Legislature congratulates Cynthia Butler-McIntyre for her outstanding service with Delta Sigma Theta Sorority, Incorporated.
2. That a copy of this resolution be sent to Cynthia Butler-McIntyre.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Friesen, Hughes - LR378CA
Fox - LB708 and LB801

VISITOR(S)

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Garrett, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2016.

Patrick J. O'Donnell
Clerk of the Legislature