



# SIERRA CLUB

## NEBRASKA CHAPTER

**To:** Nebraska Chapter of the Sierra Club  
**From:** James P. Cavanaugh  
**Date:** February 8, 2109  
**RE:** Nebraska 2019 Legislative Session, Week Ending February 8, 2019

**Special Invitation Notice:** Wednesday March 13<sup>th</sup> 5-7 PM Cavanaugh&Associates invites you to a St. Patrick's Day party we are co-sponsoring, honoring Senators and Legislative Staff at the Nebraska Club at the Top of the US Bank 233 South 13<sup>th</sup> St. Lincoln, NE 68508.

### WEEK IN REVIEW

Today is the 22<sup>nd</sup> day of the 90 day 2019 legislative session.

This week the Legislature conducted half day floor debate on General File bills and half day committee hearings.

On Tuesday, February 5, 2019 the Unicameral held hearings on three bills of interest to the Sierra Club. The Urban Affairs Committee heard Senator Kolterman's **LB 23 PRO** (Change the Property Assessed Clean Energy Act) and Senator Crawford's **LB 124 PRO**(Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act). The Transportation and Telecommunications Committee heard Senator Cavanaugh's **LB 691 PRO** (Provide for Ornate Box Turtle Conservation license plates).

The Sierra Club testified in favor of LB 23; and during that hearing expressly supported LB 124. Sierra Club testified that LB 23 made multiple desirable changes and suggested a change to the provisions of the bill PACE. LB23 added water efficiency to the existing energy efficiency criteria, expanded the list of certifiers of efficiency, and permitted property tax assessment adjustments after initiating a project rather than only prior to initiating a project. The Sierra Club suggested not adding economic development to resource efficiency as authorized basis for access to PACE funding. The Sierra Club supported LB 124's increasing the flexibility for local governments seeking to use PACE, authorizing multiple jurisdiction collaborations and authorizing subdivisions of local government to engage in PACE.

The Sierra Club sought the introduction of Senator Cavanaugh's LB 691. The committee heard six bills proposing new specialty license plates. There was no testimony in opposition LB 691. Joining the Sierra Club in proponent testimony was the Nebraska Game and Parks Commission, the National Wildlife Federation, and the Audubon Society. LB 691 differed from other wildlife license plate bills (i.e., existing mountain lion plate and NG&PC's requested LB 128 (Hughes) "Provide for Wildlife Conservation Plates") all of which direct funds raised to the amorphous NG&PC's Education Cash Fund. LB 691 directs funds to the Wildlife Conservation Fund which has a habitat focus. The Sierra Club urged the committee to amend the mountain lion fees and the LB 128 fees into the Wildlife Conservation Fund. NG&PC resisted this but, that suggestion was supported by the National Wildlife Federation and the Audubon Society. Everyone supported LB 691 creating a dedicated cash flow for non-game species and habitat since currently the NG&PC does not have any such dedicated funds. The Sierra Club urged limiting license plates to species native to Nebraska, the NG&PC did not reject that idea but did contest that no trout was native.

The committee took no action on any of the license plate bills.

On Monday February 11<sup>th</sup> **LB283** (PRO Pansing Brooks) “Provide for a climate change study” will be heard in the Executive Board. We will testify in favor of **LB283** “

On Tuesday February 12<sup>th</sup> **LB665** (MON Friesen) “Authorize the use of electric foot scooters” will have a hearing in the Transportation and Telecommunications Committee.

**Next Friday February 15<sup>th</sup> and the following Monday February 18<sup>th</sup> will be recess days.**

On Thursday February 21 **LB621** (PRO Kolowski) “Change provisions relating to solar energy and wind energy, declare certain instruments void and unenforceable, and provide for a civil cause of action” will be heard in the Natural Resources Committee.

Tuesday February 26<sup>th</sup> **LB51** (PRO Vargas) “Change license applications, prohibited acts, and franchise restrictions under the Motor Vehicle Industry Regulation Act” and **LB366** (ANTI Bostelman) “Change registration fee for alternative fuel-powered motor vehicles” will have a hearing in the Transportation and Telecommunications Committee.

On Tuesday March 5<sup>th</sup> **LB401** (PRO Quick) “Adopt the Midwest Interstate Passenger Rail Compact” will be heard in the Transportation and Telecommunications Committee.

On Thursday March 14<sup>th</sup> **LB509** (PRO McCollister) “Redefine the terms net metering and qualified facility and change powers and duties of a local distribution utility” will be heard in the Natural Resources Committee. We will testify in favor of LB509.

#### **ATTACHMENTS:**

Current Hearing Schedule

Monday February 11, 2019 Agenda

The latest issue of the Unicameral Update can be found at:

<http://update.legislature.ne.gov/>

To review the full text of bills, as well as committee hearing schedules, please look on the Unicameral website at: <http://www.nebraskalegislature.gov>. Fiscal notes can also be found there.

Please call or e-mail me at any time if you have any questions. My contact information is:

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#### **BILLS OF SPECIAL INTEREST TO NEBRASKA SIERRA CLUB**

<b>LB51</b>	<b>PRO</b>	Vargas	Change license applications, prohibited acts, and franchise restrictions under the Motor Vehicle Industry Regulation Act
		Jan 31, 2019	Hunt name added
		Jan 30, 2019	<b>Notice of hearing for February 26, 2019</b>
		Jan 14, 2019	Referred to Transportation and Telecommunications Committee
		Jan 10, 2019	Date of introduction

- LB283**     **PRO**            Pansing Brooks     Provide for a climate change study  
Feb 04, 2019 Hunt name added  
Jan 30, 2019 **Notice of hearing for February 11, 2019**  
Jan 18, 2019 Referred to Executive Board  
Jan 15, 2019 Date of introduction
- LB509**     **PRO**            McCollister            Redefine the terms net metering and qualified  
facility and change powers and duties of a local  
distribution utility  
Jan 24, 2019 Referred to Natural Resources Committee  
Jan 22, 2019 Date of introduction
- LB678**     **PRO**            Vargas                  Create the Volkswagen Settlement Cash Fund  
and provide duties for the Department of  
Environmental Quality  
Jan 25, 2019 Referred to Appropriations Committee  
Jan 23, 2019 Date of introduction
- LB691**     **PRO**            Cavanaugh            Provide for Ornate Box Turtle Conservation  
license plates  
Jan 25, 2019 Notice of hearing for February 05, 2019  
Jan 25, 2019 Referred to Transportation and Telecommunications Committee  
Jan 23, 2019 Date of introduction
- LB704**     **PRO**            McCollister     Provide for a request for proposals for renewable  
energy for state-owned buildings and a study  
regarding state vehicles  
Jan 25, 2019 Referred to Government, Military and Veterans Affairs Committee  
Jan 23, 2019 Date of introduction

**Bills of Interest to the Nebraska Chapter of the Sierra Club**

<b>BILL</b>	<b>SC</b>	<b>SENATOR</b>	<b>TOPIC</b>
<b>LB23</b>	<b>PRO</b>	Kolterman	Change the Property Assessed Clean Energy Act
		Jan 25, 2019 Notice of hearing for February 05, 2019	
		Jan 14, 2019 Referred to Urban Affairs Committee	
		Jan 10, 2019 Date of introduction	
<b>LB45</b>	<b>PRO</b>	Chambers	Repeal the Black-Tailed Prairie Dog Management Act
		Jan 14, 2019 Referred to Agriculture Committee	
		Jan 10, 2019 Date of introduction	
<b>LB46</b>	<b>PRO</b>	Chambers	Eliminate provisions relating to the hunting of mountain lions
		Jan 14, 2019 Referred to Natural Resources Committee	
		Jan 10, 2019 Date of introduction	

<b>LB51</b>	<b>PRO</b>	Vargas	Change license applications, prohibited acts, and franchise restrictions under the Motor Vehicle Industry Regulation Act <b>Bill of Special Interest</b>
		Jan 31, 2019	Hunt name added
		Jan 30, 2019	<b>Notice of hearing for February 26, 2019</b>
		Jan 14, 2019	Referred to Transportation and Telecommunications Committee
		Jan 10, 2019	Date of introduction
<b>LB124</b>	<b>PRO</b>	Crawford	Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act
		Feb 08, 2019	Urban Affairs AM199 filed
		Feb 08, 2019	Placed on General File with AM199
		Jan 25, 2019	Notice of hearing for February 05, 2019
		Jan 14, 2019	Referred to Urban Affairs Committee
		Jan 10, 2019	Date of introduction
<b>LB157</b>	<b>PRO</b>	Brewer	Provide for voluntary registration, duties for the Department of Agriculture, and a cause of action under the Nebraska Apiary Act
		Jan 15, 2019	Referred to Agriculture Committee
		Jan 11, 2019	Date of introduction
<b>LB243</b>	<b>MON</b>	Gragert	Create the Healthy Soils Task Force
		Jan 22, 2019	Notice of hearing for January 29, 2019
		Jan 16, 2019	Referred to Agriculture Committee
		Jan 14, 2019	Date of introduction
<b>LB283</b>	<b>PRO</b>	Pansing Brooks	Provide for a climate change study <b>Bill of Special Interest</b>
		Feb 04, 2019	Hunt name added
		Jan 30, 2019	<b>Notice of hearing for February 11, 2019</b>
		Jan 18, 2019	Referred to Executive Board
		Jan 15, 2019	Date of introduction
<b>LB302</b>	<b>ANTI</b>	Hughes	Merge the State Energy Office with and rename the Department of Environmental Quality
		Feb 07, 2019	Advanced to Enrollment and Review Initial
		Feb 01, 2019	Placed on General File
		Jan 23, 2019	Notice of hearing for January 30, 2019
		Jan 17, 2019	Referred to Natural Resources Committee
		Jan 15, 2019	Date of introduction

- LB366**      **ANTI**      Bostelman      Change registration fee for alternative fuel-powered motor vehicles  
Jan 30, 2019 **Notice of hearing for February 26, 2019**  
Jan 18, 2019 Referred to Transportation and Telecommunications Committee  
Jan 16, 2019 Date of introduction
- LB368**      **ANTI**      Hughes      Eliminate overappropriated river basins, subbasins, and reaches  
Jan 18, 2019 Referred to Natural Resources Committee  
Jan 16, 2019 Date of introduction
- LB373**      **ANTI**      Brewer      Provide setback and zoning requirements for wind energy generation projects  
Jan 24, 2019 Notice of hearing for January 31, 2019  
Jan 18, 2019 Referred to Government, Military and Veterans Affairs Committee  
Jan 16, 2019 Date of introduction
- LB401**      **PRO**      Quick      Adopt the Midwest Interstate Passenger Rail Compact  
Jan 30, 2019 **Notice of hearing for March 05, 2019**  
Jan 22, 2019 Referred to Transportation and Telecommunications Committee  
Jan 17, 2019 Date of introduction
- LB509**      **PRO**      McCollister      Redefine the terms net metering and qualified facility and change powers and duties of a local distribution utility **Bill of Special Interest**  
Jan 24, 2019 Referred to Natural Resources Committee  
Jan 22, 2019 Date of introduction
- LB585**      **MON**      Friesen      Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide for grants  
Jan 24, 2019 Referred to Revenue Committee  
Jan 22, 2019 Date of introduction
- LB606**      **MON**      Groene      Provide for water augmentation projects and retention of water rights as prescribed  
Jan 25, 2019 Referred to Natural Resources Committee  
Jan 23, 2019 Date of introduction
- LB621**      **PRO**      Kolowski      Change provisions relating to solar energy and wind energy, declare certain instruments void and unenforceable, and provide for a civil cause of action  
Feb 05, 2019 **Notice of hearing for February 21, 2019**  
Jan 25, 2019 Referred to Natural Resources Committee

Jan 23, 2019 Date of introduction

**LB665**      **MON**          Friesen                      Authorize the use of electric foot scooters  
Jan 30, 2019 **Notice of hearing for February 12, 2019**  
Jan 25, 2019 Referred to Transportation and Telecommunications Committee  
Jan 23, 2019 Date of introduction

**LB678**      **PRO**              Vargas                      Create the Volkswagen Settlement Cash Fund  
and provide duties for the Department of  
Environmental Quality **Bill of Special  
Interest**

Jan 25, 2019 Referred to Appropriations Committee  
Jan 23, 2019 Date of introduction

**LB691**      **PRO**              Cavanaugh                  Provide for Ornate Box Turtle Conservation  
license plates **Bill of Special Interest**

Jan 25, 2019 Notice of hearing for February 05, 2019  
Jan 25, 2019 Referred to Transportation and Telecommunications Committee  
Jan 23, 2019 Date of introduction

**LB700**      **PRO**              Bostelman                  Provide for decommissioning and reclamation  
of a wind energy conversion system  
Jan 25, 2019 Referred to Natural Resources Committee  
Jan 23, 2019 Date of introduction

**LB704**      **PRO**              McCollister      Provide for a request for proposals for renewable  
energy for state-owned buildings and a study  
regarding state vehicles **Bill of Special  
Interest**  
Jan 25, 2019 Referred to Government, Military and Veterans Affairs Committee  
Jan 23, 2019 Date of introduction

**LB729**      **PRO**              Walz                      Adopt the Soil Health and Productivity  
Incentive Act  
Jan 31, 2019 **Notice of hearing for February 19, 2019**  
Jan 25, 2019 Referred to Agriculture Committee  
Jan 23, 2019 Date of introduction