



SIERRA CLUB

NEBRASKA CHAPTER

To: Nebraska Chapter of the Sierra Club
From: James P. Cavanaugh
Date: March 22, 2109
RE: Nebraska 2019 Legislative Session, Week Ending March 22, 2019

WEEK IN REVIEW

Thursday March 21st was the 46th day of the 90 day legislative session. The Legislature is recessed today and will reconvene Monday March 25th. On Wednesday March 19th, the Senator and Committee Priority Bills list was finalized (see attached). Next Thursday March 28th, committee hearings will end and the Legislature will begin full day floor debate on Tuesday April 2nd.

Two of the most important bills to the Sierra Club had significant action this week: the Ornate Box Turtle license plate bill and the VW settlement bill.

As is common at this point in the session, some bills appear to die when in fact they have been amended into another bill and that second bill is fast tracked.

LB678 PRO Vargas "Create the Volkswagen Settlement Cash Fund and provide duties for the Department of Environmental Quality" had its hearing on Wednesday. The Sierra Club testimony is attached. Additionally, the Sierra Club addressed multiple questions posed by Appropriations Committee members during the 90 minute hearing. There were multiple parts in support of LB678 including a new car group. Only DEQ appeared in opposition. DEQ said it would encourage level 2 and level 3 public chargers, but did not wish to lose the flexibility of approving matching grant requests for level 1 chargers. DEQ said it anticipated installed charger costs that were far greater than the costs the Sierra Club anticipated. Some DEQ anticipated costs were ten times and others were six times the magnitude anticipated by the Sierra Club for the same type of charger.

LB691 PRO Cavanaugh "Provide for Ornate Box Turtle Conservation license plates" is still in the Transportation and Telecommunications Committee; but, and this is a big but, on March 18th **LB691** was amended into **LB356** (along with multiple other license plate bills and some clean up amendments to the affected statutes). **LB356** Scheer "Change fee distribution for certain specialty license plates" now contains as section 22 on page 31 of **AM731** the Ornate Box Turtle plate. <https://nebraskalegislature.gov/FloorDocs/106/PDF/AM/AM731.pdf>. Speaker Scheer has chosen **LB356** as a Speaker's Priority Bill. **AM731** is a white copy amendment to **LB356** that has been placed on General File by the committee. **AM731** alters **LB691** in the following in two important ways. **FIRST:** Ornate box turtles were added to the Game and Parks Commission requested Wildlife Conservation Plates (and Fund) by replacing trout in the G&PC's original **LB128** request for sandhill cranes, bighorn sheep, and cutthroat trout. **SECOND:** all specialty plates now will have a new two-year sunset if fewer than 250 plates are requested. Lastly, note, mountain lion revenues were left in the G&PC's Education Fund, instead of being added, as the Sierra Club and others requested, to the Wildlife Conservation Fund. The Sierra Club now will follow **LB356** as a proponent.

LB243 PRO Gragert "Create the Healthy Soils Task Force" was debated at length on General File Thursday, March 21st and was advanced to E&R Initial with **AM640** and with **AM789** (a technical amendment). Recall, the Agriculture Committee also considered **LB729** Walz "Adopt the Soil Health and Productivity Incentive Act". The thrust of both LB243 and LB729 is to improve the health of soil.

The Committee sent **LB243** to the floor with **AM640**, a white copy amendment, that replaced all of the original bill. Three significant changes between AM640 and LB243 are: [a] two instead of one environmental group Task Force members (this was a request of the Sierra Club); [b] six instead of five production agriculture Task members; and [c] existing statute 81-2,162.27 was amended to tap an existing cash fund: the Fertilizers and Soil Conditioners Administrative Fund. Floor debate centered on three broad issues: [a] do not all ag folks in Nebraska know we need and how to achieve healthy soils (yes to the former and no to the latter); [b] is the fertilizer fund an appropriate fund to raid for funding (opinions split); and [c] the Nebraska Constitution prohibits mixing executive and legislative powers, so having legislators and agency folks on the same task force must be done carefully to avoid being unconstitutional. The vote to advance from General File was 39 yes and 1 no.

Two bills the Sierra Club is following were signed by the Governor this week.

LB302 ANTI Hughes "Merge the State Energy Office with and rename the Department of Environmental Quality" was signed by the Governor yesterday. **LB302** also transferred from the federal government to the State government management of the WOTUS (waters of the United States).

LB124 PRO Crawford "Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act" was signed by the Governor yesterday.

Future legislative action will be most likely for bills that have been selected as a Priority bill of a committee, or of a Senator, or of the Speaker.

Priority Bills of Interest to Sierra Club

Senator Priority Bills

LB155 ANTI Brewer "Change eminent domain provisions that apply to privately developed renewable energy generation facilities" Brewer and Clements Priorities

LB585 MON Friesen "Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide for grants" Murman priority

LB606 MON Groene "Provide for water augmentation projects and retention of water rights as prescribed" Groene Priority Bill

Committee Priority Bills

LB492 PRO Wayne "Adopt the Regional Metropolitan Transit Authority Act" Urban Affairs Priority Bill

LB700 PRO Bostelman "Provide for decommissioning and reclamation of a wind energy conversion system" Natural Resources Priority Bill

Speaker Priority Bills

LB 23 PRO Kolterman "Change the Property Assessed Clean Energy Act" Speaker Priority Bill

LB356 (includes LB691) PRO Scheer "Change fee distribution for certain specialty license plates" Speaker Priority Bill

ATTACHMENTS:

Monday, March 25, 2019 Agenda

List of Priority Bills

LB678 Testimony

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 Chapter of the Sierra Club

| Bill # | Position | Sen. | |
|---------------|------------------|---|--|
| LB 51 | PRO | Vargas | Change license applications, prohibited acts, and franchise restrictions under the Motor Vehicle Industry Regulation Act |
| | 1/31/2019 | Hunt name added | |
| | 1/30/2019 | Notice of hearing for February 26, 2019 | |
| | 1/14/2019 | Referred to Transportation and Telecommunications Committee | |
| | 1/10/2019 | Date of introduction | |
| LB155 | ANTI | Brewer | Change eminent domain provisions that apply to privately developed renewable energy generation facilities |
| | 3/19/2019 | Clements priority bill | |
| | 2/27/2019 | Pending | |
| | 2/27/2019 | Failed to advance to Enrollment and Review Initial | |
| | 2/14/2019 | Placed on General File | |
| | 2/6/2019 | Brewer priority bill | |
| | 1/31/2019 | Notice of hearing for February 07, 2019 | |
| | 1/15/2019 | Referred to Natural Resources Committee | |
| | 1/11/2019 | Date of introduction | |
| LB283 | PRO | | Pansing Brooks Provide for a climate change study |
| | 2/4/2019 | Hunt name added | |
| | 1/30/2019 | Notice of hearing for February 11, 2019 | |
| | 1/18/2019 | Referred to Executive Board | |
| | 1/15/2019 | Date of introduction | |
| LB492 | PRO | Wayne | Adopt the Regional Metropolitan Transit Authority Act |
| | 3/19/2019 | Urban Affairs priority bill | |
| | 1/25/2019 | Notice of hearing for February 26, 2019 | |
| | 1/24/2019 | Referred to Urban Affairs Committee | |
| | 1/22/2019 | Date of introduction | |

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| LB509 PRO | McCollister | Redefine the terms net metering and qualified facility and change powers and duties of a local distribution utility |
| 3/5/2019 | Notice of hearing for March 14, 2019 | |
| 1/24/2019 | Referred to Natural Resources Committee | |
| 1/22/2019 | Date of introduction | |
| LB678 PRO | Vargas | Create the Volkswagen Settlement Cash Fund and provide duties for the Department of Environmental Quality |
| 3/4/2019 | Notice of hearing for March 20, 2019 | |
| 1/25/2019 | Referred to Appropriations Committee | |
| 1/23/2019 | Date of introduction | |
| LB691 PRO | Cavanaugh | Provide for the Ornate Box Turtle Conservation license plates |
| 1/25/2019 | Referred to Transportation and Telecommunications Committee | |
| 1/25/2019 | Notice of hearing for February 05, 2019 | |
| 1/23/2019 | 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 |
| 3/4/2019 | Notice of hearing for March 15, 2019 | |
| 1/25/2019 | Referred to Government, Military and Veterans Affairs Committee | |
| 1/23/2019 | Date of introduction | |

Bills of Interest to the Nebraska Chapter of the Sierra Club

| Bill # | Position | Sen. | |
|---------------|------------------|-------------|--|
| LB 23 | PRO | Kolterman | Change the Property Assessed Clean Energy Act |
| | 3/20/2019 | | Placed on General File with AM795 |
| | 3/20/2019 | | Speaker priority bill |
| | 3/20/2019 | | Urban Affairs AM795 filed |
| | 1/25/2019 | | Notice of hearing for February 05, 2019 |
| | 1/14/2019 | | Referred to Urban Affairs Committee |
| | 1/10/2019 | | Date of introduction |
| LB 45 | PRO | Chambers | Repeal the Black-Tailed Prairie Dog Management Act |
| | 2/21/2019 | | Notice of hearing for March 05, 2019 |
| | 1/14/2019 | | Referred to Agriculture Committee |
| | 1/10/2019 | | Date of introduction |
| LB 46 | PRO | Chambers | Eliminate provisions relating to the hunting of mountain lions |
| | 2/14/2019 | | Notice of hearing for February 21, 2019 |
| | 1/14/2019 | | Referred to Natural Resources Committee |
| | 1/10/2019 | | Date of introduction |

LB 51 PRO Vargas Change license applications, prohibited acts, and franchise restrictions under the Motor Vehicle Industry Regulation Act

1/31/2019 Hunt name added
1/30/2019 Notice of hearing for February 26, 2019
1/14/2019 Referred to Transportation and Telecommunications Committee
1/10/2019 Date of introduction

LB124 PRO Crawford Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act

3/21/2019 Approved by Governor on March 21, 2019
3/18/2019 Presented to Governor on March 15, 2019
3/15/2019 Passed on Final Reading with Emergency Clause 44-0-5
3/15/2019 President/Speaker signed
3/6/2019 Placed on Final Reading
3/1/2019 Crawford AM405 adopted
3/1/2019 Advanced to Enrollment and Review for Engrossment
2/22/2019 Crawford AM405 filed
2/21/2019 Placed on Select File
2/13/2019 Advanced to Enrollment and Review Initial
2/13/2019 Urban Affairs AM199 adopted
2/8/2019 Placed on General File with AM199
2/8/2019 Urban Affairs AM199 filed
1/25/2019 Notice of hearing for February 05, 2019
1/14/2019 Referred to Urban Affairs Committee
1/10/2019 Date of introduction

LB155 ANTI Brewer Change eminent domain provisions that apply to privately developed renewable energy generation facilities

3/19/2019 Clements priority bill
2/27/2019 Pending
2/27/2019 Failed to advance to Enrollment and Review Initial
2/14/2019 Placed on General File
2/6/2019 **Brewer priority bill**
1/31/2019 Notice of hearing for February 07, 2019
1/15/2019 Referred to Natural Resources Committee
1/11/2019 Date of introduction

LB157 PRO Brewer Provide for voluntary registration, duties for the Department of Agriculture, and a cause of action under the Nebraska Apiary Act

2/13/2019 Notice of hearing for February 26, 2019
1/15/2019 Referred to Agriculture Committee
1/11/2019 Date of introduction

- LB243 MON** Gragert Create the Healthy Soils Task Force
3/21/2019 Advanced to Enrollment and Review Initial
3/21/2019 Gragert AM789 adopted
3/21/2019 Agriculture AM640 adopted
3/20/2019 Gragert AM789 filed
3/15/2019 Placed on General File with AM640
3/15/2019 Gragert priority bill
3/15/2019 Agriculture AM640 filed
1/22/2019 Notice of hearing for January 29, 2019
1/16/2019 Referred to Agriculture Committee
1/14/2019 Date of introduction
- LB283 PRO** Pansing Brooks Provide for a climate change study
2/4/2019 Hunt name added
1/30/2019 Notice of hearing for February 11, 2019
1/18/2019 Referred to Executive Board
1/15/2019 Date of introduction
- LB285 PRO** McCollister State intent to appropriate funds to the Nebraska Power Review Board for a study and state public policy
3/5/2019 Notice of hearing for March 14, 2019
1/17/2019 Referred to Natural Resources Committee
1/15/2019 Date of introduction
- LB302 ANTI** Hughes Merge the State Energy Office with and rename the Department of Environmental Quality
3/21/2019 Approved by Governor on March 21, 2019
3/18/2019 Presented to Governor on March 15, 2019
3/15/2019 Passed on Final Reading with Emergency Clause 45-0-4
3/15/2019 Dispensing of reading at large approved
3/15/2019 President/Speaker signed
2/27/2019 Placed on Final Reading
2/21/2019 Advanced to Enrollment and Review for Engrossment
2/13/2019 Placed on Select File
2/7/2019 Advanced to Enrollment and Review Initial
2/1/2019 Placed on General File
1/23/2019 Notice of hearing for January 30, 2019
1/17/2019 Referred to Natural Resources Committee
1/15/2019 Date of introduction

LB356 PRO Scheer Change fee distribution for certain specialty license plates
(Now includes LB691)

Mar 21, 2019 Transportation and Telecommunications AM731 filed
Mar 21, 2019 Placed on General File with AM731
Mar 20, 2019 Speaker priority bill
Jan 25, 2019 Notice of hearing for February 05, 2019
Jan 18, 2019 Referred to Transportation and Telecommunications Committee
Jan 16, 2019 Date of introduction

LB366 ANTI Bostelman Change registration fee for alternative fuel-powered motor vehicles
1/30/2019 Notice of hearing for February 26, 2019
1/18/2019 Referred to Transportation and Telecommunications Committee
1/16/2019 Date of introduction

LB368 ANTI Hughes Eliminate overappropriated river basins, subbasins, and reaches
2/13/2019 Notice of hearing for February 20, 2019
1/18/2019 Referred to Natural Resources Committee
1/16/2019 Date of introduction

LB373 ANTI Brewer Provide setback and zoning requirements for wind energy
generation projects
3/5/2019 Brewer AM428 filed
1/24/2019 Notice of hearing for January 31, 2019
1/18/2019 Referred to Government, Military and Veterans Affairs Committee
1/16/2019 Date of introduction

LB401 PRO Quick Adopt the Midwest Interstate Passenger Rail Compact
1/30/2019 Notice of hearing for March 05, 2019
1/22/2019 Referred to Transportation and Telecommunications Committee
1/17/2019 Date of introduction

LB492 PRO Wayne Adopt the Regional Metropolitan Transit Authority Act
3/19/2019 Urban Affairs priority bill
1/25/2019 Notice of hearing for February 26, 2019
1/24/2019 Referred to Urban Affairs Committee
1/22/2019 Date of introduction

LB509 PRO McCollister Redefine the terms net metering and qualified facility and change
powers and duties of a local distribution utility
3/5/2019 Notice of hearing for March 14, 2019
1/24/2019 Referred to Natural Resources Committee
1/22/2019 Date of introduction

- LB585 MON** Friesen Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide for grants
- 3/19/2019 Murman priority bill**
 3/6/2019 Notice of hearing for March 13, 2019
 1/24/2019 Referred to Revenue Committee
 1/22/2019 Date of introduction
- LB606 MON** Groene Provide for water augmentation projects and retention of water rights as prescribed
- 3/19/2019 Groene priority bill**
 3/5/2019 Notice of hearing for March 13, 2019
 1/25/2019 Referred to Natural Resources Committee
 1/23/2019 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
- 2/5/2019 Notice of hearing for February 21, 2019
 1/25/2019 Referred to Judiciary Committee
 1/23/2019 Date of introduction
- LB665 MON** Friesen Authorize the use of electric foot scooters
- 1/30/2019 Notice of hearing for February 12, 2019
 1/25/2019 Referred to Transportation and Telecommunications Committee
 1/23/2019 Date of introduction
- LB678 PRO** Vargas Create the Volkswagen Settlement Cash Fund and provide duties for the Department of Environmental Quality
- 3/4/2019 Notice of hearing for March 20, 2019
 1/25/2019 Referred to Appropriations Committee
 1/23/2019 Date of introduction
- LB691 PRO** Cavanaugh Provide for the Ornate Box Turtle Conservation license plates
- 3/21/2019 Amended into LB356 via AM731**
 1/25/2019 Notice of hearing for February 05, 2019
 1/25/2019 Referred to Transportation and Telecommunications Committee
 1/23/2019 Date of introduction
- LB700 PRO** Bostelman Provide for decommissioning and reclamation of a wind energy conversion system
- 3/19/2019 Natural Resources priority bill**
 2/27/2019 Notice of hearing for March 06, 2019
 1/25/2019 Referred to Natural Resources Committee
 1/23/2019 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

3/4/2019 Notice of hearing for March 15, 2019

1/25/2019 Referred to Government, Military and Veterans Affairs Committee

1/23/2019 Date of introduction

LB729 PRO Walz Adopt the Soil Health Productivity Incentive Act

2/20/2019 Brandt name added

1/31/2019 Notice of hearing for February 19, 2019

1/25/2019 Referred to Agriculture Committee

1/23/2019 Date of introduction