



SIERRA CLUB

NEBRASKA CHAPTER

To: Nebraska Chapter of the Sierra Club
From: James P. Cavanaugh
Date: March 15, 2109
RE: Nebraska 2019 Legislative Session, Week Ending March 15, 2019

WEEK IN REVIEW

Today was the 42nd day of the 90 day legislative session.

The Legislature continues to devote its efforts to conducting half day floor debate on bills out of committees and devoting half-days to committee hearings through Thursday, March 28th. Full day floor debate starts on day 51, Tuesday, April 2nd.

Yesterday was the deadline for senators to request the Speaker to designate a bill as a 2019 Speaker Priority Bill (see attached list)

Next Tuesday March 19th is the deadline for designation of Senator and Committee Priority Bills.

On Thursday, March 14th we testified on two bills. **LB285 PRO** McCollister "State intent to appropriate funds to the Nebraska Power Review Board for a study and state public policy"; and **LB509 PRO** McCollister "Redefine the terms net metering and qualified facility and change powers and duties of a local distribution utility". LB285 on the PRB study had strong support and mild opposition whereas LB509 on net metering had such strong opposition Senator McCollister introduced a negotiated amendment **AM624** at the hearing as well as said he also would accept an interim study in lieu of advancing an amended LB509. AM624 limited the increased size (from 25kW to 100kW) to the three largest Nebraska electric utilities: LES, OPPD, and NPPD. Some of the former spark plugs for LB509, but not the Sierra Club, switched to opposition because of AM624.

On Friday, March 15th we provided by letter comment on **LB704 PRO** McCollister "Provide for a request for proposals for renewable energy for state-owned buildings and a study regarding state vehicles"

Attached are Sierra Club's statements in support of LB285, LB509, and LB704.

Also on Friday, March 15th the Legislature passed bills on Final Reading. Two bills of interest to the Sierra Club which were advanced to Governor Ricketts for his signature. **LB16 MON** Briesse "Provide for the withholding of records relating to certain critical infrastructure". LB16 could influence the Natural Resources Committee's willingness to adopt LB 285 since LB16 might shield the public power utilities from the obligation to release data directly to the public. **LB302 ANTI** Hughes "Merge the State Energy Office with and rename the Department of Environmental Quality"; but with the real purpose of transferring from the federal government's Corp of Engineers and EPA to the State's DEQ regulation of the WOTUS (waters of the USA). Since LB16 is spawned by post-9-11 federal law and since Ricketts requested LB302, both are certain to be signed.

Upcoming Hearing Dates
Sierra Club

BoSI LB678 **PRO** **3/20/19** **Appropriations**
Vargas Create the Volkswagen Settlement Cash Fund and provide duties for the
Department of Environmental Quality

ATTACHMENTS:

Monday, March 18, 2019 Agenda
Senator Priority Bills

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 |
| | 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

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

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 |
| | | | 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

3/15/2019 **President/Speaker signed**
3/15/2019 **Passed on Final Reading** with Emergency Clause 44-0-5
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 Urban Affairs AM199 filed
2/8/2019 Placed on General File with AM199
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

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
 3/15/2019 **Gragert priority bill**
 3/15/2019 Agriculture **AM640** filed
 3/15/2019 **Placed on General File with AM640**
 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
 3/15/2019 **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
- 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
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
3/6/2019 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
3/5/2019 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

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

LB700 PRO Bostelman Provide for decommissioning and reclamation of a wind energy conversion system

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