



# SIERRA CLUB

## NEBRASKA CHAPTER

**To:** Nebraska Chapter of the Sierra Club  
**From:** James P. Cavanaugh  
**Date:** April 12<sup>th</sup>, 2019  
**RE:** Nebraska 2019 Legislative Session, Week Ending April 12<sup>th</sup>, 2019

### WEEK IN REVIEW

Thursday April 10<sup>th</sup> was the 58<sup>th</sup> day of the 90 day 2019 legislative session. Today was a recess day. This week the legislature conducted full day floor debates.

**LB227 ANTI** Hughes “ Change provisions governing determination of a public or private nuisance under the Nebraska Right to Farm Act” seeking to expand considerably what was defined as NOT an agricultural nuisance was very active in the last week. And involved convoluted parliamentary procedure. At first, LB 227 was talked to what for nearly all bills this session would have been talked to death. The initial floor debated ended after only 28 votes to avoid being recommitted to committee. Thus, LB 227 needed 33 of 49 Senators to request the Speaker to put it back on the agenda: five Senators had to switch and most non-no voter clearly were opposed. This session many bills have "died" in this manner. Very few bills got back on the agenda. But, LB 227 did. Because Senator Hughes introduced AM1209 to amend committee amendment AM746, and then after getting back on the agenda substituted AM1274, and after extensive debate substituted AM1287, all debated was directed at Hughes' amendments. AM1287 was adopted and LB227 sent to Select File. As often happens to get off of General File, promises were made on the floor that proponents would "work with" opponents prior to being scheduled for Select File debate. The fight is not over, but the field tilts toward LB227 passing.

**LB356 PRO** Scheer “Change fee distribution for certain specialty license plates” (absorbed LB691 PRO and many other license plate bills) advanced from General File to Select File. LB356 contains Senator Cavanaugh's Ornate Box Turtle License Plate bill, and is meeting broad acceptance. Passage is likely.

**LB678 PRO** Vargas “Create the Volkswagen Settlement Cash Fund and provide duties for the Department of Environmental Quality” is in committee. Discussion with senators indicated LB678 (per tradition) will not come out of committee as a stand alone bill, but the contents of LB678 will be embedded into the general appropriations bill. Sierra Club will work with DEQ on a compromise: the two moving parts are 15% versus 10% and chargers limited versus not limited to Level 2 and 3.

**LB243 PRO** Gragert “Create the Healthy Soils Task Force” with Hughes amendment AM937 was adopted on Final Reading and has been sent to the Governor for his signature.

**LB23 PRO** Kolterman “Change the Property Assessed Clean Energy Act” amending the PACE (property assessment conservation energy) Act with Urban Affairs committee amendment AM795 has advanced to Select File.

**LB509 PRO** McCollister “Redefine the terms net metering and qualified facility and change powers and duties of a local distribution utility” will stay in committee, but the Natural Resources Committee will introduce an Interim Study Resolution on net metering.

Also advancing to Select File was **LB585 MON** Friesen “Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide for grants” to create the Renewable Fuel Infrastructure Program, with typo correcting amendment AM1257.

Advancing from the Natural Resources Committee to General File is **LB700** Bostelman “Provide for decommissioning and reclamation of a wind energy conversion system”.

The agenda for Monday April 15<sup>th</sup> is unlikely to be completed on Monday, so it will be the agenda for the upcoming week until completed. Monday's agenda has two bills of interest to the Sierra Club. In 11<sup>th</sup> position is **LB155 ANTI** Brewer “Change eminent domain provisions that apply to privately developed renewable energy generation facilities” stripping eminent domain power for private wind projects had been talked to death, but has found 33 votes to try once again. In 16<sup>th</sup> (and last) agenda position is **LB700 PRO** Bostelman for decommissioning wind energy systems.

#### **ATTACHMENTS:**

Monday April 15, 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 Chapter of the Sierra Club**

<b>Bill #</b>	<b>Position</b>	<b>Sen.</b>	
<b>LB 51</b>	<b>PRO</b>	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
<b>LB155</b>	<b>ANTI</b>	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
<b>LB227</b>	<b>ANTI</b>	Hughes	Change provisions governing determination of a public or private nuisance under the Nebraska Right to Farm Act
		Apr 10, 2019	Advanced to Enrollment and Review Initial
		Apr 10, 2019	Agriculture AM746 adopted
		Apr 10, 2019	Hughes MO61 prevailed
		Apr 10, 2019	Hughes MO61 Invoke cloture filed
		Apr 10, 2019	Hughes AM1287 adopted
		Apr 10, 2019	Hughes AM1287 pending
		Apr 10, 2019	Hughes AM1287 filed
		Apr 10, 2019	Chambers MO60 withdrawn
		Apr 10, 2019	Chambers MO60 Recommit to the Agriculture Committee filed
		Apr 10, 2019	Hughes AM1274 withdrawn
		Apr 10, 2019	Hughes AM1274 filed
		Apr 10, 2019	Hughes AM1201 withdrawn
		Apr 10, 2019	Hughes AM1209 withdrawn
		Apr 08, 2019	Chambers MO58 failed
		Apr 08, 2019	Hughes AM1209 pending
		Apr 08, 2019	Chambers MO58 Recommit to the Agriculture Committee filed
		Apr 08, 2019	Hughes AM1209 pending

**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

**LB356 – PRO** Scheer Change fee distribution for certain specialty license plates  
(Incorporates **LB691**)  
**Apr 11, 2019 Enrollment and Review ER75 filed**  
**Apr 11, 2019 Placed on Select File with ER75**  
**Apr 09, 2019 Advanced to Enrollment and Review Initial Vote 37-0**  
**Apr 09, 2019 Friesen AM1167 adopted Vote 36-0**  
**Apr 09, 2019 Wayne FA38 withdrawn**  
**Apr 09, 2019 Transportation and Telecommunications AM731 adopted Vote 37-0**  
**Apr 08, 2019 Friesen AM1167 filed**  
Mar 28, 2019 Wayne FA38 filed  
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

**LB492 PRO** Wayne Adopt the Regional Metropolitan Transit Authority Act  
**4/11/2019 Hunt name added**  
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

**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

**4/9/2019 Placed on Select File**

**4/8/2019 Advanced to Enrollment and Review Initial**

**4/8/2019 Urban Affairs AM795 adopted**

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 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 Advanced to Enrollment and Review for Engrossment

3/1/2019 Crawford AM405 adopted

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

3/19/2019 Clements priority bill

2/27/2019 Failed to advance to Enrollment and Review Initial

2/27/2019 Pending

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

**LB227 ANTI** Hughes Change provisions governing determination of a public or private nuisance under the Nebraska Right to Farm Act

Apr 10, 2019 Advanced to Enrollment and Review Initial

Apr 10, 2019 Agriculture AM746 adopted

Apr 10, 2019 Hughes MO61 prevailed

Apr 10, 2019 Hughes MO61 Invoke cloture filed

Apr 10, 2019	Hughes AM1287 adopted
Apr 10, 2019	Hughes AM1287 pending
Apr 10, 2019	Hughes AM1287 filed
Apr 10, 2019	Chambers MO60 withdrawn
Apr 10, 2019	Chambers MO60 Recommit to the Agriculture Committee filed
Apr 10, 2019	Hughes AM1274 withdrawn
Apr 10, 2019	Hughes AM1274 filed
Apr 10, 2019	Hughes AM1201 withdrawn
Apr 10, 2019	Hughes AM1209 withdrawn
Apr 08, 2019	Chambers MO58 failed
Apr 08, 2019	Hughes AM1209 pending
Apr 08, 2019	Chambers MO58 Recommit to the Agriculture Committee filed
Apr 08, 2019	Hughes AM1209 pending

**LB243 MON**      Gragert              Create the Healthy Soils Task Force

**4/11/2019**    **Presented to Governor on April 11, 2019**

**4/11/2019**    **President/Speaker signed**

**4/11/2019**    **Passed on Final Reading with Emergency Clause 43-0-6**

**4/11/2019**    **Chambers FA44 withdrawn**

**4/11/2019**    **Chambers FA44 filed**

**4/11/2019**    **Motion to return to Select File withdrawn**

4/3/2019      Chambers MO48 failed

4/3/2019      Chambers MO47 failed

4/3/2019      Chambers MO47 Recommit to the Agriculture Committee filed

4/3/2019      Chambers MO48 Reconsider the vote to recommit to committee filed

4/3/2019      Gragert MO49 prevailed

4/3/2019      Placed on Final Reading

4/3/2019      Advanced to Enrollment and Review for Engrossment

4/3/2019      Gragert MO49 Invoke cloture filed

4/2/2019      Motion to overrule the Chair failed

4/2/2019      Enrollment and Review ER57 adopted

4/2/2019      Hughes AM937 adopted

4/2/2019      Chair ruled AM1142 is not germane to bill

4/2/2019      Chambers MO44 Indefinitely postpone filed

4/2/2019      Chambers MO44 failed

4/2/2019      Chambers MO46 Reconsider the vote to indefinitely postpone filed

4/2/2019      Chambers MO46 failed

4/2/2019      Chambers AM1142 filed

3/25/2019     Hughes AM937 filed

3/25/2019     Enrollment and Review ER57 filed

3/25/2019     Placed on Select File with ER57

3/21/2019     Gragert AM789 adopted

3/21/2019 Advanced to Enrollment and Review Initial  
3/21/2019 Agriculture AM640 adopted  
3/20/2019 Gragert AM789 filed  
3/15/2019 Placed on General File with AM640  
3/15/2019 Agriculture AM640 filed  
3/15/2019 Gragert priority bill  
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 President/Speaker signed  
3/15/2019 Dispensing of reading at large approved  
3/15/2019 Passed on Final Reading with Emergency Clause 45-0-4  
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 (Incorporates **LB691**)

**Apr 11, 2019 Enrollment and Review ER75 filed**  
**Apr 11, 2019 Placed on Select File with ER75**  
**Apr 09, 2019 Advanced to Enrollment and Review Initial Vote 37-0**



<b>Apr 09, 2019</b>	<b>Friesen AM1167 adopted Vote 36-0</b>
<b>Apr 09, 2019</b>	<b>Wayne FA38 withdrawn</b>
<b>Apr 09, 2019</b>	<b>Transportation and Telecommunications AM731 adopted Vote 37-0</b>
<b>Apr 08, 2019</b>	<b>Friesen AM1167 filed</b>
Mar 28, 2019	Wayne FA38 filed
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

**4/11/2019**      **Hunt name added**

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

<b>LB509 PRO</b>	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	
<b>LB585 MON</b>	Friesen	Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide for grants
<b>4/10/2019</b>	<b>Friesen AM1257 filed</b>	
<b>4/10/2019</b>	<b>Friesen AM1257 adopted</b>	
<b>4/10/2019</b>	<b>Revenue AM953 adopted</b>	
<b>4/10/2019</b>	<b>Advanced to Enrollment and Review Initial</b>	
3/26/2019	Revenue AM953 filed	
3/26/2019	Placed on General File with AM953	
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	
<b>LB606 MON</b>	Groene	Provide for water augmentation projects and retention of water rights as prescribed
3/27/2019	Wayne MO42 Indefinitely postpone pursuant to Rule 6, Sec. 3(f) filed	
3/26/2019	Wayne FA34 filed	
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	
<b>LB621 PRO</b>	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	
<b>LB665 MON</b>	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	
<b>LB678 PRO</b>	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
<b>LB691 PRO</b>	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
<b>LB700 PRO</b>	Bostelman	Provide for decommissioning and reclamation of a wind energy conversion system
	4/5/2019	Placed on General File with AM1098
	4/5/2019	Natural Resources AM1098 filed
	3/27/2019	Wayne MO36 Indefinitely postpone pursuant to Rule 6, Sec. 3(f) filed
	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
<b>LB704 PRO</b>	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
<b>LB729 PRO</b>	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