

## Legislation January 7-May 21, 2009

See website for additional information on these on other bills

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

### **LB9 – Exempt biofuels used for irrigation and farming purposes from sales tax**

LB9 would add certain fuels to a list of fuels exempt from sales tax when 50% or more of the fuel is purchased for use in irrigation or farming. The fuels added are wood, corn and biofuel. The term biofuel is not defined in the bill. The Committee amendment struck the term biofuel from the bill. The bill contains an April 1, 2009 operative date.

Introduced by Wightman

Speaker priority bill

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 21	Presented to Governor w/emergency clause	1696
February 2	Notice of hearing for March 4	349
January 12	Referred to Revenue Committee	75
January 8	Date of Introduction	41

### **LB154 - Eliminate certain boards, commissions, committees, councils, task forces, working groups, and related statutory provisions - (includes an Ethanol Advisory Committee)**

Introduced by Government Military and Veterans Affairs Committee

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
<b>February 17</b>	<b>Approved by Governor on February 12</b>	<b>465</b>
<b>February 6</b>	<b>Passed on Final Reading 45-0-4</b>	<b>392</b>
<b>January 9</b>	<b>Date of Introduction</b>	<b>69</b>

### **LB233 – Exempt mineral oil to be applied to grain as a dust suppressant from sales and use taxes**

Introduced by Adams

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
March 19	Placed on General File	788
February 2	Notice of hearing for March 4	349
January 15	Referred to Revenue Committee	150
January 13	Date of Introduction	118

### **LB234 – Change a sales and use tax exemption relating to fuel and energy, processing includes all use of grain drying equipment in a commercial facility**

Introduced by Adams

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
March 19	Placed on General File	788
February 2	Notice of hearing for March 5	349
January 15	Referred to Revenue Committee	150
January 13	Date of Introduction	118

**LB246 – Reestablish the Biopower Steering Committee and provide for a strategic biotechnology plan**

The committee is to conduct a baseline study on the current and potential impact of bioenergy in the State of Nebraska and prepare a strategic plan for developing biotechnology in the State of Nebraska.

Introduced by Dubas

Speaker priority bill

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 21	Presented to Governor	1696
January 23	Notice of hearing for January 30	278
January 16	Referred to Natural Resources Committee	171
January 14	Date of Introduction	136

**LB264 – Change motor fuel tax calculations**

The initial average wholesale price of gasoline to be used to calculate the tax under subsection (1) of this section for tax periods beginning Junly 1, 2009, shall be two dollars and forty-four cents.

Introduced by Fischer

Statement of intent, fiscal note available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
April 21	Indefinitely postponed	1150

**LB315 – Appropriate funds for state government expenses**

Introduced by Flood at the request of the Governor

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 19	Approved by Governor	1604
May 5	Appropriations Amendment Adopted	1305
February 11	Notice of hearing for February 23	441
January 20	Referred to Appropriations Committee	198
January 15	Date of Introduction	162

**Agency No. 60 – Nebraska Ethanol Board**

**Program No. 516 – Ethanol**

	<u>FY 2009-10</u>	<u>FY 2010-11</u>
Cash Fund	\$560,329	\$560,329
Program Fund	\$560,329	\$560,329
Salary Limit	\$280,426	\$286,923

**LB316 - Change provisions relating to certain funds and provide for transfers of funds**

Introduced by Flood at the request of the Governor

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 19	Approved by Governor	1604
February 23	Notice of hearing for February 23	441
January 20	Referred to Appropriations Committee	198
January 15	Date of Introduction	162

State Treasurer shall Transfer from the General Fund to the Ethanol Production Incentive Cash Fund the following as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to specific sections:

**\$2,500,000 on or before June 30, 2010**

**\$2,500,000 on or before June 30, 2011**

**\$8,250,000 on or before June 30, 2010**

**\$3,000,000 on or before June 30, 2011**

**and**

**\$200,000 on or before June 15, 2010 from the Agricultural Alcohol Fuel Tax Fund to the Ethanol Production Incentive Cash Fund or as soon thereafter as administratively possible.**

**Transfers from the Agricultural Alcohol Fuel Tax Fund to the Ethanol Production Incentive Cash Funds may be made at the direction of the Legislature.**

**LB466 – Eliminate an excise tax on corn and grain sorghum**

This was introduced last year as: 61-218 (1) The Water Resources Cash Fund is created. The fund shall be administered by the Department of Natural Resources. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Introduced by Wallman

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
March 23	Indefinitely postponed	810

**LB502 – Change the Petroleum Release Remedial Action Act**

LB502 authorizes a credit for owners of new tanks required to have private insurance:

An owner paying for private insurance under this section shall be entitled to a credit or refund from the Department of Revenue against the amount of petroleum remedial action fees paid by such owner. The credit or refund shall be equal to the actual expenditures made by the owner to obtain such insurance coverage and shall include, but not be limited to, the cost of site assessment which is ordinarily and customarily required to obtain such insurance coverage.

Introduced by Langemeier

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
March 18	Placed on General File	769
February 3	Notice of hearing for February 27	357
January 23	Referred to Natural Resources Committee	271
January 21	Date of Introduction	222

**LB505 – Create the Economic Development Committee of the Legislature**

The Executive Board of the Legislative Council shall appoint a select committee of the Legislative Council to consist of six members of the Legislature, to be known as the Economic Development Committee. The committee shall engage in strategic planning with respect to matters of economic development, develop and promote a consistent and priority-based approach to economic development, and assess the performance of previously enacted economic development measures.

Introduced by Pirsch

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
February 25	Indefinitely postponed	564

**LB552 – Adopt the Nebraska Construction Prompt Pay Act**

Introduced by White

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
April 23	Placed on General File	1188

February 20	Notice of hearing for March 2	499
January 23	Referred to Business and Labor Committee	272
January 21	Date of Introduction	235

**LB555 – Change provisions relating to a research tax credit**

This language is added to the bill: Any business firm which makes expenditures in research and experimental activities as defined in section 174 of the Internal Revenue Code of 1986, as amended, on the campus of a college or university in this state or at a facility owned by a college or university in this state shall be allowed a research tax credit as provided in the Nebraska Advantage Research and Development Act.

Introduced by White

Mello priority bill

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 21	Presented to Governor	1696
February 2	Notice of hearing for February 18	348
January 23	Referred to Revenue Committee	272
January 21	Date of Introduction	236

**LB565 – Adopt the Woody Biomass Energy Act**

LB565 basically deals with heating and cooling systems in public buildings:

The Woody Biomass Energy Revolving Loan Fund is created. The State Energy Office shall administer the fund. The State Treasurer shall credit to the fund money appropriated by the Legislature, money paid as fees, deposits, payments, and repayments for loans from the fund, including principal and interest, money donated as gifts, bequests, or other contributions from public or private entities, and funds made available for purposes related to the Woody Biomass Energy Act by any agency of the United States. It is the intent of the Legislature to appropriate two million five hundred thousand dollars from the General Fund to the Woody Biomass Energy Revolving Loan Fund for FY2009-10 and for FY2010-11. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Energy Office shall allocate money in the Woody Biomass Energy Revolving Loan Fund for loans to convert heating and cooling systems in public buildings from current energy sources to the use of woody biomass.

Introduced by Loudon

Statement of intent, fiscal note available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
January 28	Notice of hearing for February 4	317
January 23	Referred to Natural Resources Committee	273
January 21	Date of Introduction	

**LB567 – Change provisions relating to the State Energy Office and the Director of the State Energy Office**

Added language to the bill: For purposes of sections 81-1601.1 to 81-1607.01: Renewable energy means energy that is produced from natural resources, including, but not limited to, sunlight, wind, rain, geothermal heat, and biomaterials which are naturally replenished.

To develop and administer a comprehensive wind energy plan related to the development of transmission lines; (14) To pursue new research and investment funds from federal and private sources; (15) To monitor all existing state and federal energy policies relating to renewable energy, renewable fuels, energy efficiency measures, and transmission line development; (16) To establish standards for measuring the State of Nebraska’s performance in increasing its use of renewable energy, renewable fuels, and energy efficiency measures and for measuring

the state's performance in transmission line development; and (17) To adopt and promulgate a statewide renewable portfolio standard consistent with federal government requirements. carry out energy research and development with other states, and to annually report such agreements to the Legislature by the first day of December;

Introduced by Dubas

Statement of intent, fiscal note available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
February 3	Notice of hearing for February 19	356
January 23	Referred to Natural Resources Committee	273
January 21	Date of Introduction	238

#### **LB584 – Adopt the Commodities Protection Act**

An ethanol producer shall not refuse to sell ethanol to any motor fuel manufacturer, distributor, marketer, or retailer. An ethanol producer shall not (a) require any such purchaser to pay any fees or charges or difference in price based on quantity purchased or utilization of the ethanol by the purchaser that do not apply to all purchasers or (b) require purchase of unreasonable or unnecessary quantities as a condition of sale. This section shall not apply if the refusal to sell is due to a lack of manufacturing capacity, labor stoppage, shortage of materials, freight embargo, or any other cause over which the ethanol producer has no control or if the refusal to sell is necessary to avoid impairment of the ethanol producer's obligations and performance under any contract for the sale or marketing of ethanol entered into prior to the effective date of this act. It is against the public policy of this state for ethanol producers to enter into single or multiple total production contracts with the product totally consumed by one market. (3) Any person who is or may be injured by a violation of this section may bring an action for damages and equitable relief, including injunctive relief. The remedy provided in this section shall not be exclusive but shall be in addition to any other remedy provided by law.

Introduced by Dierks

Statement of intent, fiscal note available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
February 9	Notice of hearing for March 10	410
January 23	Referred to Agriculture Committee	273
January 21	Date of Introduction	241

#### **LB602 – Provide the expense reimbursement for first purchasers of certain commodities**

Pertains to wheat, corn, sorghum excise taxes: Five percent of the fees collected under this section may be retained by the first purchaser to reimburse expenses incurred by the first purchaser in collecting the fees.

Introduced by Dierks

Schilz priority bill

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
March 18	Indefinitely postponed	769

#### **LB613 – Eliminate a restriction on base-year employees for certain tax incentive laws**

Introduced by Dierks

Statement of intent, fiscal note, committee statement available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
March 23	Indefinitely postponed	811

#### **LB641 – Create a production incentive for renewable diesel fuel**

Introduced by Schilz

Statement of intent, fiscal note available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
January 30	Notice of hearing for February 10	337
January 28	Rereferred to Agriculture Committee	308
January 23	Referred to Revenue Committee	274
January 21	Date of Introduction	250

**LB667 – Change provisions relating to division fences**

The Legislature finds that the encouragement and compelled duty of adjoining landowners for the construction and maintenance of division fences to be beneficial to the public interest and welfare. Such benefits are not confined to historical and traditional societal benefits that accrue from the proper constraint of livestock, including suppression of civil disputes and public and private nuisances and protecting public safety. Division fences promote the peace and security of society by the demarcation of rural boundaries, physical separation of conflicting land uses, enhancement of privacy, diminishment of frequency of public burden imposed by incidences of trespass and adverse possession, and the mitigation of impacts of conflicting land use intrusion into those areas of the state devoted to and reserved to agricultural and horticultural use.

Introduced by Sullivan

Statement of intent, fiscal note available via web

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
February 9	Notice of hearing for March 10	410
January 23	Referred to Agriculture Committee	275
January 21	Date of Introduction	254

**LR140 – Interim study to examine the quality of jobs created under the Nebraska Advantage and Nebraska Super Advantage programs**

Introduced by Nordquist

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 13	Referred to Executive Board	1481
May 13	Date of Introduction	1480

**LR140 – Interim study to examine Nebraska’s highway funding structure and to recommend possible alternatives to the traditional methods**

Introduced by Fischer

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 14	Referred to Executive Board	1492
May 14	Date of Introduction	1491

**LR195 – Interim study to examine energy efficiency**

Introduced by Harr

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 18	Referred to Executive Board	1559
May 18	Date of Introduction	1558

**LR218 – Interim study to examine ways the State of Nebraska can promote and increase the export of Nebraska’s agricultural products**

Introduced by Pirsch

<u>Date</u>	<u>Action</u>	<u>Journal Page</u>
May 18	Referred to Executive Board	1574
May 18	Date of Introduction	1574