

Agenda Item 3. Minutes of the February 5, 2019 Board Meeting

Meeting minutes from the February 5, 2019 Board Meeting held at the Ferguson House,  
Lincoln, NE

## MINUTES

Nebraska Environmental Trust  
1<sup>st</sup> Quarter Board Meeting  
Tuesday, February 6, 2019  
1:31 p.m.

Ferguson House  
Lincoln, Nebraska

The Nebraska Environmental Trust Board met at the Ferguson House, Lincoln, Nebraska for the transaction of business. Advance public notice was given through release to news media and official public notice in the "Lincoln Journal Star" on Monday, January 14, 2019.

The meeting was called to order at 1:31 p.m.

Roll call was conducted and a quorum was established.

**Members present were:** Mr. Ryan McIntosh, Syracuse; Mr. John Orr, Blair; Mr. Paul Dunn, Omaha; Ms. Gerry Lauritzen, Omaha; Ms. Sherry Vinton, Whitman; Mr. Quentin Bowen, Humboldt; Mr. Jim Douglas, Nebraska Game & Parks; Mr. Jeff Fassett, Nebraska Department of Natural Resources; and Mr. Rod Christen, Steinauer.

**Members joining by phone:** Mr. Bob Krohn, Omaha, joined at 2:00 p.m.

**Members absent:** Mr. Jim Hellbusch, Columbus; Mr. Jim Macy, Nebraska Department of Environmental Equality; Vacant Position from Health and Human Services; and Mr. Steve Wellman, Nebraska Department Agriculture.

**Staff present were:** Mr. Mark Brohman, Executive Director; Ms. Marilyn Tabor, Grants Administrator; Ms. Allison LaDuke, Grants Assistant; Ms. Sheila Johnson, Public Information Officer and Ms. Pam Deines, Administrative Secretary.

**Agenda Item #3: Minutes of the November 1, 2019 Board Meeting.** Minutes of the November 1, 2018, board meeting were received.

**Motion by** Mr. Orr, seconded by Ms. Lauritzen to accept the minutes as received.

**Voting Aye:** Mr. Orr; Mr. Dunn; Ms. Lauritzen; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. McIntosh; Ms. Vinton and Mr. Christen.

**Absent:** Mr. Hellbusch; Mr. Wellman; and Mr. Macy. Motion carried.

**Agenda Item #4: Financial Reports.** Mr. Brohman presented the report. The Game and Parks Budget reports, lottery proceeds budget summary (last quarter was the second highest ever) and detail breakdown on budget sheet format with specific details. A Lottery proceeds information sheet was passed out. Ferguson House Fund report and information review. The Trust is in good standing on our finances. We are at 55% spending and we should be at the 58% mark, so we are in good standing. Discussion. Question by Ms. Vinton on our Legislative

bills we are watching. Mark touched on the two bills we are concerned about and then continued on the Ferguson House report, income up with the increase in events.

**Motion by** Mr. McIntosh seconded by Mr. Fassett to accept the Financial Reports.

**Voting Aye:** Mr. Orr; Mr. Dunn ; Ms. Lauritzen; Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. McIntosh and Mr. Christen.

**Absent:** Mr. Hellbusch; Mr. Wellman; and Mr. Macy. Motion carried.

**Agenda Item #5: Staff Report.** a.) **2019 Proposed Calendar.** Mr. Brohman provided the proposed dates and reminded everyone that we would vote on the dates at the April meeting. We will confirm calendar at the April board meeting. Mr. McIntosh has a conflict with the February 6<sup>th</sup>, 2020 meeting and Mr. Dunn requested that the next February Board meeting be on Tuesday, February 4, 2020, because of a large event in Omaha. Mr. Brohman reminded board members to put the tentative dates on their 2020 calendar and it will be confirmed at the April meeting. b.) **Grant Administration Report.** Ms. Tabor presented the report. All late reports have been addressed and at this time no reports are delinquent. Discussion. c.) **Ferguson House Report.** Mr. Brohman presented the report. The Ferguson House continues to increase rentals because of the Capitol renovations. We have Allison to thank in scheduling and maintaining a smooth schedule. d.) **Director's Report.** Mr. Brohman presented his report. The back porch is complete except for a few small items that they will address. Public WiFi is up and running for access to renters. We have a few glitches that we are working on, the OCIO office knows of the issues and is working on them. Eastern Cedar Report is available and wanted to make it available to board members. Plan on some painting outside when weather is better along with the carriage house door and the side door to match the updating on the carriage house. We do not have any renters on the third floor at this time but are always looking for options.

**Agenda Item #6: Grant Modification Requests.**

Ms. Tabor had grant modification requests enclosed in the Board Book but had an additional handout to review at the meeting. Ms. Tabor reviewed each grant modification.

**Motion by** Mr. Orr seconded by Ms. Lauritzen.

**Voting Aye:** Ms. Lauritzen, Ms. Vinton, Mr. Bowen, Mr. Douglas, Mr. Fassett, Mr. McIntosh, Mr. Orr, Mr. Dunn and Mr. Christen.

**Absent:** Mr. Wellman; Mr. Macy and Mr. Hellbusch. Motion carried.

**Agenda Item #7:** Committee Report from the Legislative Committee and Recommendations. The Legislative Committee met on January 29, 2019 and discussed the Legislative Bills that are of interest to the Trust. Ms. Lauritzen called on Mr. Brohman to summarize those listed and the two that are being watched very close, LB 294 and LB 298. Discussion.

**2019 Bills to Watch**

- LB 104      Change distribution of the Nebraska Education Improvement Fund  
Extend the funds use from 2020-21 to 2026-27 (Lottery Proceeds).
- LB 134      Provide levy authority and duties for Natural Resources Districts  
Extend NRD levies for ground water management activities from 2017-18 to 2027-28.
- LB 243      Create the Healthy Soils Task Force  
Voting members: Director of Ag or designee, 2 from NRDs, 2 academics, 5 from production ag., 2 agribusiness, and 1 environmental organization. Non-voting members: Chair of Natural Resources Committee, and Chair of Ag Committee. For administrative purposes, it will be within the Dept. of Ag. Submit an action plan by Jan. 1, 2021.
- LB 252      Provide a condition relating to advertisements by the state lottery  
Require all lottery advertisements to disclose the odds of winning the prize with the largest value for any lottery game in clear & conspicuous manner.
- LB 283      Provide for a climate change study  
UNL shall develop strategic action plan by Dec. 15, 2020. Transfer up to \$250K from the Waste Reduction and Recycling Incentive Fund to UNL
- LB 294      One of Governor’s Budget Bills  
Increase Trust’s Cash Funds to \$20M (FY19-20) and \$20M (FY20-21)**
- LB 298      One of Governor’s Budget Bills  
Have DNR apply for \$3.3M/year from the Trust for three years beginning FY2020-2021 for the Water Resources Cash Fund (matched by \$3.3M/year from general funds).**
- LB 302      Merge the State Energy Office with the Department of Environmental Quality  
On or after July 1, 2019, the State Energy Office shall be merged into DEQ, and will be named the Dept. of Environment and Energy. (Includes changes to Trust statutes for board member)
- LB 367      Eliminate provisions relating to fund transfers and change a termination date under the Nebraska Litter Reduction and Recycling Act  
Eliminate the potential transfers from this fund to the general fund and extend the fund from 2020 to 2025.
- LB 368      Eliminate overappropriated river basins, subbasins, and reaches  
Eliminate the term overappropriated and use only fully appropriated, including funding in the Water Resources Cash Fund
- LB 456      Provide a sales and use tax exemption for certain machinery and equipment used to produce electricity

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Includes but not limited to wind, solar, geothermal, hydroelectric, biomass, and transmutation (change or alter in form) of elements.

- LB 552      Change appropriations relating to the Nebraska Tree Recovery Program  
Appropriate \$3M (was \$250,000) each year starting fiscal year 2019-2020 for tree removal, disposal, and replacement costs only on land owned by state or local governments.
- LB 568      Provide for mental health first aid training for school districts and change provisions relating to the use of lottery funds  
Use lottery funds in the Nebraska Opportunity Grant Fund.
- LB 580      Change provisions relating to landfill disposal fees and rebates under the Integrated Solid Waste Management Act  
Increase disposal fees from \$1.25 to \$2.00, and allow counties or municipalities to get funds if they have residential household hazardous waste collection events or facilities.
- LB 585      Create the Renewable Fuel Infrastructure Program, eliminate a sales tax exemption, and provide grants  
Appropriate \$1M of general funds to set up a grant program (Renewable Fuel Infrastructure Program) for ethanol (E-15 and E-85) infrastructure projects through the Energy Office.
- LB 606      Provide for water augmentation projects and retention of water rights as prescribed  
Allow NRDs to sell any real property purchased for water augmentation projects.
- LB 621      Change provisions relating to solar energy and wind energy, declare certain instruments void and unenforceable, provide for a civil cause of action  
Protect direct sunlight and prohibit any instrument governing installation and use of solar energy collectors.
- LB 678      Create the Volkswagen Settlement Cash Fund and provide duties for the Dept. of Environmental Quality  
Funds to be spent in accordance with the department's use plan and 15% will be used to build, fund, and maintain level two and three electric vehicle charging stations.
- LB 700      Provide for decommissioning and reclamation of a wind energy conversion system  
Require anyone owning, operating or managing a wind conversion system to decommission and reclaim the site to pre-construction conditions.
- LB 704      Provide for a request for proposals for renewable energy for state-owned buildings and a study regarding state vehicles  
State Energy Office continues implementing the energy efficiency and consumption policy and Dept. of Administrative Services analyzes and compiles results of the Nebraska Benchmarking and Beyond Initiative and other measures. Includes a study of the State investing in electronic vehicles. The study funded by the Volkswagen Settlement Cash Fund.

LB 729 Adopt the Soil Health and Productivity Incentive Act  
Dept. of Ag to establish incentive cash payments to landowners in specific zones to plant cover crops.

Mr. Krohn joined by telephone at 2:00 p.m.

**Motion** is a recommendation for Mr. Brohman to monitor the Legislative Bills of interest.

**Voting Aye:** Ms. Lauritzen, Ms. Vinton, Mr. Bowen, Mr. Douglas; Mr. Fassett; Mr. McIntosh; Mr. Orr; Mr. Dunn; and Mr. Christen.

**Absent:** Mr. Wellman; Mr. Macy and Mr. Hellbusch. Motion carried.

### **Agenda Item #8: Grant Committee Report and Recommendations**

Mr. Dunn, Chair of the Grants Committee, presented the grant package to the board with an explanation of results. The motion comes from the Grants Committee and the vote is to place recommendation on the April board meeting. Discussion. General discussion continued about the grant applications and different aspects on the form, information, specific items in the application.

**Motion** from the Grants Committee to accept the Grants Committee's Recommendations, second by Ms. Lauritzen

**Voting Aye:** Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Fassett; Mr. Orr; Mr. Dunn; Ms. Lauritzen; and Mr. Christen.

**Absent:** Mr. McIntosh; Mr. Wellman; Mr. Macy and Mr. Hellbusch. Motion carried.

**Mr. McIntosh Left at 2:28 p.m.**

**Agenda Item #9 Public Comment and Good of the Order:** Mr. Brohman made some general comments, reported on the Christmas Open House and that we were having an increase in events due to the construction at the Capitol. Peter Zandbergen signed in and introduced himself to the board members and made some general comments. Discussion was brought up on the Performance Committee, who was to be assigned to the committee and what the goal was for the committee. It was discussed that an informal meeting on the Performance Committee would be held after the board meeting for anyone wanting to stay.

**Agenda Item #10: Date and Location of Next Meeting.** The next meeting will be held on Thursday, April 4, 2019, at 1:30 p.m. at the Ferguson House.

**Agenda Item #11: Adjourn.** Mr. Christen adjourned the meeting at 2:43 p.m.

Respectfully submitted,



Mark A. Brohman  
Executive Director