



Reporting Item

BOARD OF DIRECTORS

May 16, 2023

ITEM

Legislative and Regulatory Update

PURPOSE

To provide an update on 2023 state and federal legislative matters, local government affairs and regulatory matters.

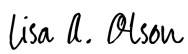
FACTS

- a. Nebraska’s 108th Legislature 1st session began on January 4, 2023 and ends on June 9, 2023.
- b. The 118th Congress began on January 3, 2023 and is expected to end January 3, 2025.

ACTION


Reporting item

RECOMMENDED:

DocuSigned by:


 Lisa A. Olson
 Vice President – Public Affairs

APPROVED FOR REPORTING TO BOARD:

DocuSigned by:


 L. Javier Fernandez
 President and Chief Executive Officer

Attachment: Local, State and Federal Update



Government Affairs Update

May 16, 2023

2023 Nebraska Legislative Calendar

Nebraska's 108th Legislature, First Session

- 90-day session
- January 4– First day of session
- January 18 – Last day of bill introduction
- January 23 – Public hearings began
- January 30 – Morning and afternoon public hearings
- February 13 – Floor debate begins
- March 9 – Last day to request speaker priority bill
- March 14 – Last day for designation of committee and speaker priority
- March 15 – Announcement of speaker priority bills
- March 24 – Last day of public hearings
- March 28 – Full day of floor debate
- March 28 – June 1 - Late night sessions
- June 9 – Sine Die

2023 OPPD Legislative Bills

- **Broadband LB61 (Brandt)**– Seek to repeal the dark fiber statutes to help expand broadband coverage across the state. Hearing held February 21. Placed on General File on March 22. Senator Brandt priority bill.
- **Critical/essential utility workers LB267 (Brewer)** - seek to have defined as emergency personnel in declared emergencies in order to protect our communities while ensuring continuity of functions critical to public health and safety. Hearing was held and bill was advanced out of committee and Placed on General File on February 16. Business and Labor priority bill. Amended into LB191. Placed on Final Reading May 2.
- **Weatherization funding LB237 (Wayne)**– seek state funding for weatherization efforts to upgrade more homes in order to lower utility bills permanently. Hearing held March 13.

Look Forward

- Legislative Resolutions/Interim Studies
- Bill/law implementation, if applicable
- Session summary - June Committee Meeting
- Senator meetings, education and tours

Support - Recommendation

Bill & Current Status	Summary
LB 169 Hunt	Prohibit discrimination based upon sexual orientation and gender identity
<i>Support</i>	1/11/23 Referred to Judiciary Committee, 3/1/23 Hearing held
LB 560 Blood	State intent to seek federal funds under the Inflation Reduction Act of 2022
<i>Support</i>	1/11/23 Referred to Appropriations Committee, 3/6/23 Hearing held
LB 568 Bostelman	Adopt the Nuclear and Hydrogen Development Act
<i>Support</i>	1/19/23 Referred to Natural Resources Committee, 2/16/23 Hearing held, 4/6/23 Amended into LB565
LB 616 McDonnell	Provide for awards under the Imagine Nebraska Act relating to the federal Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act
<i>Support</i>	1/19/23 Referred to Revenue Committee, 3/2/23 Hearing held, 4/6/23 Placed on General File with AM645.
LB 617 McDonnell	Create the Economic Development Cash Fund to award a grant relating to the federal Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act
<i>Support</i>	1/19/23 Referred to Banking, Commerce and Insurance Committee, 1/31/23 Hearing held, 3/9/23 Placed on General File, Senator McDonnell priority bill

Support - Recommendation

Bill & Current Status	Summary
LB 670 Hunt	Prohibit discrimination under the Nebraska Fair Employment Practice Act on the basis of gender identity or sexual orientation and prohibit discrimination by employers regardless of size
<i>Support</i>	1/20/23 Referred to Business and Labor Committee, 2/13/23 Hearing held
LB 787 Wayne	Adopt the STEEM Development Act
<i>Support</i>	1/20/23 Referred to Education Committee, 1/31/23 Hearing held, 2/28/23 Placed on General File
LR 21 Brewer	Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee
<i>Support</i>	1/17/23 Referred to Executive Board, 2/24/23 Hearing held, 3/13/23 Executive Board AM478 filed

Oppose - Recommendation

Bill & Current Status	Summary
LB 7 Blood	Provide a statute of limitations for exposure to hazardous or toxic chemicals
<i>Oppose</i>	1/9/23 Referred to Judiciary Committee, 1/25/23 Hearing held
LB 25 Wayne	Authorize punitive damages as prescribed and provide for distribution
<i>Oppose</i>	1/9/23 Referred to Judiciary Committee, 1/25/23 Hearing held, Placed on General File with AM440
LB 122 Bostelman	Change provisions relating to the One-Call Notification System Act
<i>Neutral</i>	Amendment in development, 1/10/23 Referred to Transportation and Telecommunications Committee, 1/31/23 Hearing held, 3/22/23 Placed on General File with AM647
LB 255 Brewer	Change eminent domain and renewable energy generation provisions relating to certain power suppliers
<i>Oppose</i>	1/12/23 Referred to Natural Resources Committee, 2/22/23 Hearing held
LB 304 Linehan	Require political subdivisions to disclose membership dues and lobbying fees
<i>Oppose</i>	1/13/23 Referred to Government, Military and Veterans Affairs Committee, 2/9/23 Hearing held, 4/17/23 Placed on General File

Oppose - Recommendation

Bill & Current Status	Summary
LB 394 Erdman	Change provisions relating to the determination of damages as a result of eminent domain
<i>Oppose</i>	1/17/23 Referred to Judiciary Committee, 2/23/23 Hearing held
LB 399 Brewer	Change provisions relating to privately developed renewable energy generation facilities and other electric generation facilities
<i>Oppose</i>	1/17/23 Referred to Natural Resources Committee, 2/22/23 Hearing held
LB 637 Albrecht	Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act
<i>Oppose</i>	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 2/24/23 Hearing held, 3/22/23 Placed on General File

Review & Awareness

Bill & Current Status	Summary
LB 120 Bostelman	Eliminate obsolete provisions relating to a Nebraska Power Review Board study
	1/10/23 Referred to Natural Resources Committee, 2/16/23 Hearing held
LB 209 Bostar	Provide tax exemptions relating to data centers
	1/12/23 Referred to Revenue Committee, 3/1/23 Hearing held
LB 450 Brewer	Prohibit land disposal of wind turbine blades and their component parts
	From last session, monitor/neutral recommendation, 1/18/23 Referred to Natural Resources Committee, 2/8/23 Hearing held, 3/6/23 Placed on General File
LB 505 Bostar	Provide for motor vehicle registration of plug-in hybrid electric vehicles, impose an excise tax on electric energy used at commercial electric vehicle charging stations, provide for regulation of commercial electric vehicle charging stations, and provide a sales tax exemption for certain electric energy
	OPPD, prefer as drafted/introduced. Amendments in development, 1/19/23 Referred to Revenue Committee, 3/8/23 Hearing held
LB 541 Lowe	Provide for nomination and election of public power district and public power and irrigation district directors on the partisan ballot
	1/19/23 Referred to Government, Military and Veterans Affairs Committee, 3/15/23 Hearing held
LB 565 Bostelman	Adopt the Public Water and Natural Resources Project Contracting Act and the Nuclear and Hydrogen Development Act and change provisions relating to municipal cooperative financing, scrap tires, power conservation and development, and the Game Law
	1/19/23 Referred to Natural Resources Committee, 2/1/23 hearing held, 3/3/23 Natural Resources priority bill, 3/15/23 Placed on General File with AM827 4/18/23 Placed on Select File with EP25 4/25/23 Placed on Final Reading

Review & Awareness

Bill & Current Status	Summary
LB 566 Bostelman	Require a study and report by the Natural Resources Committee of the Legislature regarding intermittent renewable energy generation
<i>Monitor</i>	1/19/23 Referred to Executive Board, 2/24/23 Hearing held, 3/21/23 Placed on General File
LB 567 Bostelman	Change provisions relating to public power and irrigation districts and electric suppliers
<i>Monitor</i>	1/19/23 Referred to Natural Resources Committee, 2/2/23 Hearing held, 4/6/23 Amended into LB565
LB 569 Bostelman	Prohibit financial interests by certain county officers and family members in electric generation facilities
	1/19/23 Referred to Government, Military and Veterans Affairs Committee, 2/15/23 Hearing held, 4/18/23 Placed on General File with AM971
LB 621 McDonnell	Change provisions relating to the Site and Building Development Act
	1/19/23 Referred to Banking, Commerce and Insurance Committee, 1/30/23 Hearing held
LB 636 Albrecht	Prohibit political subdivisions from restricting certain energy services
	1/20/23 Referred to Natural Resources Committee, 2/8/23 Hearing held, 3/6/23 Placed on General File
LB 644 McDonnell	Change provisions relating to the use of the Site and Building Development Fund
	\$80M, 1/20/23 Referred to Banking, Commerce and Insurance Committee, 1/30/23 Hearing held, 3/9/23 Placed on General File, 3/14/23 Senator Jacobsen priority bill

Review & Awareness

Bill & Current Status	Summary
LB 650 McDonnell	Allow certain cybersecurity records to be withheld from the public
	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 3/2/23 Hearing held, 3/7/23 Placed on General File
LB 651 McDonnell	Provide for appropriations relating to cybersecurity improvements for state agencies and political subdivisions
	1/20/23 Referred to Appropriations Committee, 3/16/23 Hearing held
LB 733 Bostar	Adopt the Broadband Pole Placement and Undergrounding Fund Act
	1/20/23 Referred to Transportation and Telecommunications Committee, 2/21/23 Hearing held
LB 734 Bostar	Provide an enhanced penalty for damage to certain infrastructure facilities resulting in serious bodily injury or death
<i>Support</i>	1/20/23 Referred to Judiciary Committee, 3/24/23 Hearing held
LB 768 DeKay	Transfer money from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund
	1/20/23 Referred to Appropriations Committee, 3/14/23 Hearing held, Senator DeKay priority bill
LB 776 Bostar	Provide for nomination and election of candidates on the nonpartisan ballot
	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 3/2/23 Hearing held



Local Update



OPPD Service Territory Visits

Since April 1:

- Cass County Commissioners
- MAPA Regional Planning Advisory Committee
- Otoe County Commissioners
- Village of Greenwood
- Sarpy County Chamber Local Government Affairs Committee
- Burt County NEW Economic Development Director
- Washington County NEW Chamber of Commerce Executive Director
- Douglas County Commissioner Friend
- Bennet (Arbor Line)
- Dunbar (Arbor Line)
- Unadilla (Arbor Line)
- Weeping Water
- Louisville
- Cass County Planning Commission Chairman
- Ft. Calhoun Rock the Block

- Saunders County Supervisors
- Yutan City Council

Upcoming Visits:

- City of Blair
- Kennard Village Board
- Blair Planning Commission
- Gateway Corporation Annual Development Meeting (Blair/Washington County)
- Washington County Supervisors



Federal Update



Federal update

- H.R. 1, the Lower Energy Costs Act, passed the House on March 30th by a 225-204 vote.
 - The bill, sponsored by the House majority, is a collection of previously introduced legislation from the energy, natural resources and infrastructure sectors.
 - H.R. 1 has no path for passage in the Senate as is, but permitting reform language in the bill has received positive feedback from several energy related organizations including ACP, CCL, APPA and LPPC.
- H.R. 2811, the debt-limit package, known as the Limit, Save, Grow Act of 2023, passed the House on April 26th by a 217-215 vote.
 - Removes clean energy tax incentives and subsidies passed in the Inflation Reduction Act.
 - Currently no path for passage in the Senate as is.
- 4,732 bills introduced in the 118th Congress as of May 11th.