



Government Affairs Update

June 13, 2023





Legislative Update



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 1 – Sine Die

Overall Legislative Recap

- 820 bills introduced
- Themes – budget, tax reform, schools, social issues, economic development
- 19 bills passed as of May 31 not including "A" bills
- OPPD monitored 158 bills
- Big legislative packages passed
 - LB 191
 - LB 565
 - LB 683
- 547 holdover bills for 2024
- 274 LRs introduced

OPPD Legislative Summary

- A 3 year journey and successful passage of 1.5 of OPPD's priority bills -
 - **Broadband LB61 (Brandt)**– Seek to repeal the dark fiber statutes to help expand broadband coverage across the state. This could also incorporate a repeal of the challenge of safe harbor rates under LB992. 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.
 - Continuation of OPPD priority bill on weatherization - **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.

LR – High Importance

Bill & Current Status	Summary
LR 133 Bostelman	Interim study to examine issues under the jurisdiction of the Natural Resources Committee
	5/9/23 Referred to Executive Board, 5/23/23 Referred to Natural Resources Committee
LR 158 McDonnell	Interim study to carry out the provisions of section 13-2402, which requires the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans
	5/11/23 Referred to Executive Board, 5/23/23 Referred to Nebraska Retirement Systems Committee
LR 178 Brewer	Interim study to examine the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska
	5/16/23 Referred to Executive Board, 5/23/23 Referred to Executive Board
LR 184 Moser	Interim study to examine the deployment of broadband services within the State of Nebraska
	5/17/23 Referred to Executive Board, 5/23/23 Referred to Transportation and Telecommunications Committee
LR 216 Dungan	Interim study to examine the economic and climate impacts of the current reliance on fossil fuel energy generation in Nebraska
	5/18/23 Referred to Executive Board, 5/23/23 Referred to Natural Resources Committee

LR – High Importance

Bill & Current Status	Summary
LR 237 Kauth	Interim study to determine to what extent, if any, companies operating within or contracting with the State of Nebraska, are using environmental, social, and governance (ESG) metrics
	5/18/23 Referred to Executive Board, 5/23/23 Referred to Banking, Commerce and Insurance Committee
LR 242 Jacobsen	Interim study to examine methods to promote the development of a competitive electric vehicle charging market in Nebraska and the creation of electric infrastructure to support such market
	5/18/23 Referred to Executive Board, 5/23/23 Referred to Revenue Committee
LR 247 Cavanaugh	Interim study to examine issues related to LB 133, 2023. Examination of current laws of eminent domain, use by nonpublic or private entities and how the process differs from political subdivisions, which public and private entities have the right of eminent domain, determination if public hearing should be required and potential policy changes.
	5/18/23 Referred to Executive Board, 5/23/23 Referred to Government, Military and VA Committee
LR 248 Cavanaugh	Interim study to survey Nebraska’s small public utilities, municipalities, and cooperatives excluding LES, NPPD and OPPD in a comprehensive manner which consolidates information relating to rates classifications and equipment
	5/18/23 Referred to Executive Board, 5/23/23 Referred to Natural Resources Committee

LR – General Interest

Bill & Current Status	Summary
LR 98 Lowe	Interim study to examine issues within the jurisdiction of the General Affairs Committee
	4/17/23 Referred to Executive Board, 5/23/23 Referred to General Affairs Committee
LR 105 Lowe	Interim study to examine and review occupational licenses and regulations under the State Electrical Act
	4/19/23 Referred to Executive Board, 5/23/23 Referred to General Affairs Committee
LR 106 Halloran	Interim study to examine interests in agricultural lands in Nebraska held by foreign individuals, business entities, and governments
	4/20/23 Referred to Executive Board, 5/23/23 Referred to Agriculture Committee
LR 123 Banking, Commerce and Insurance	Interim study to examine the economic impact of manufacturing and processing in Nebraska and to examine the role advanced manufacturing and smart technologies can play in increasing productivity and economic growth
	5/2/23 Referred to Executive Board, 5/23/23 Referred to Banking, Commerce and Insurance Committee
LR 179 Arch	Interim study to review the laws, procedures, rules and regulations, and general standards of practice related to the public's participation in the legislative process in a representative form of government
	5/17/23 Referred to Executive Board, 5/17/23 Referred to Executive Board

LR – General Interest

Bill & Current Status	Summary
LR 181 Slama	Interim study to examine the insurance statutes of the State of Nebraska with specific emphasis on the impact of the insurance industry on tort reform and related matters
	5/17/23 Referred to Executive Board, 5/23/23 Referred to Banking, Commerce and Insurance Committee
LR 185 Moser	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee
	5/17/23 Referred to Executive Board, 5/23/23 Referred to Transportation and Telecommunications Committee
LR 193 McDonnell	Interim study to research and explore employee privacy concerns related to digital tracking in nonemergency situations
	5/17/23 Referred to Executive Board, 5/23/23 Referred to Business and Labor Committee
LR 197 McDonnell	Interim study to conduct a comprehensive examination of the need for Nebraska to foster development of large industrial and commercial business sites
	5/17/23 Referred to Executive Board, 5/23/23 Referred to Banking, Commerce and Insurance Committee
LR 250 McDonnell	Interim study to consider changes to the Property Assessed Clean Energy Act and to property assessed clean energy financing for real estate development projects
	5/18/23 Referred to Executive Board, 5/23/23 Referred to Urban Affairs Committee

Holdover Bills of Interest

- LB 255 – Change eminent domain and renewable energy generation provisions relating to certain power suppliers
- LB 399 – Change provisions relating to privately developed renewable energy generation facilities and other electric generation facilities
- LB 541 – Provide for nomination and election of public power district and public power and irrigation district directors on the partisan ballot



Local Update



OPPD Service Territory Visits/Contacts

Since May 1:

- Cass County Commissioners
- Otoe County Commissioners
- Saunders County Supervisors
- Sarpy State of the County
- Washington County Supervisors
- Papillion City Council
- Blair Planning Commission
- City of Blair Administration
- Unadilla Administration
- Weeping Water Administration
- Louisville Administration
- Springfield Administration
- Kennard Village Board
- Arlington Village Board
- Sarpy County Chamber Local Government Affairs Committee
- Cass County Economic Development Council Spring Meeting
- Gateway Corporation Annual Meeting (Blair/WA County)
- OPPD Community Partner Summit (Local Emergency Mgr., FD, and Law Enforcement)
- Sarpy County Local Leaders Cass-to-Sarpy Transmission Line Meeting (June 7)
- Cass County Local Leaders Cass-to-Sarpy Transmission Line Meeting (June 8)

Upcoming Visits:

- MAPA Regional Planning Advisory Committee
- MAPA Council of Officials
- Ralston City Council
- Elmwood Village Board
- Hooper Village Board



Federal Update



Debt Ceiling Package Major Provisions

- H.R. 3746, “To provide for a responsible increase to the debt ceiling” – passed the House by a vote of 314 - 117
- Effective until January 1st, 2025
 - No IRA provisions included
 - Energy permitting – changes to NEPA
 - Transmission study
 - Mountain Valley Pipeline approval
 - Cap on discretionary spending
 - Increased defense spending
 - IRS funding decrease
 - Unused COVID funds clawback
 - Additional work requirements – SNAP and TANF
 - Ends the pause on student loan repayments
 - PAYGO – new government agency actions affecting revenues and spending should be offset

CO₂ Performance standards from U.S. EPA

On May 11th, 2023, the Environmental Protection Agency issued a proposed rulemaking package that would take five separate actions regarding the regulation of carbon dioxide (CO₂) emissions from fossil-fueled electric generating units (EGUs) under section 111 of the Clean Air Act (CAA). Those proposed EPA regulatory actions include the following:

- Establish emission guidelines for existing coal-fired EGUs and other fossil-fueled steam generating units that burn oil and natural gas;
- Establish emissions guidelines for large, frequently used existing stationary combustion turbines burning natural gas and/or other fossil fuels;
- Revise the new source performance standards (NSPS) for new stationary combustion turbines burning natural gas and/or other fossil fuels;
- Revise the NSPS for fossil-fueled steam generating units that undertake a large modification; and
- Repeal the Affordable Clean Energy (ACE) rule that was previously adopted to limit CO₂ emissions from coal-fired EGUs.

Federal Legislative Summary

- 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.
- Senate letter urging Secretary of Energy Jennifer Granholm to withdraw the Department of Energy's (DOE) proposed rule to increase conservation standards for distribution transformers.
 - DOE announced it was proposing new energy efficiency standards for distribution transformers to improve the resiliency of the grid.
 - The electric sector has been informing DOE about the severity of the supply chain challenges that have prolonged and complicated distribution transformer production and availability.
- LPPC CEO meeting in Washington, DC May 22nd – 25th
- 5,547 bills introduced in the 118th Congress as of May 31st