

State Legislative Update 4/6/2021

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State Legislative Update



2021 Nebraska Legislative Calendar

Nebraska's 107th Legislature

- January 6th – Legislature convened at 10 am
- January 20th – Last day of bill introduction
- January 25th – All day public hearings begin
- March 4th - Date to complete committee hearings, except Judiciary Committee on introduced bills
- March 10th – Deadline for Speaker priority requests
- March 12th – Deadline for designation of Committee and Senator priority bills (extended)
- March 12th - Judiciary Committee hearings to be completed
- March 15th – Full-day debate
- June 10th – Day 90, sine die

2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 52 Lathrop	Provide for immunity for injury or death resulting from COVID-19 exposure
<i>Neutral</i>	<i>1/7/21 Introduced, 1/11/21 Referred to Judiciary Committee, 2/18/21 Hearing held</i>
LB 83 Flood	Change the Open Meetings Act to provide for virtual conferencing
<i>Support</i>	<i>1/7/21 Introduced, 1/11/21 Referred to Government, Military and Veterans Affairs Committee, 1/27/21 Hearing held OPPD submitted a letter in support, Placed on General File with AM127, 3/10/21 Government, Military and Veterans Affairs priority bill, 3/17/21 Advanced to Select File</i>
LB 84 Bostelman	Redefine terms relating to tax incentive performance audits and the ImagiNE Nebraska Act
<i>Support</i>	<i>1/7/21 Introduced, 1/11/21 Referred to Revenue Committee, 2/26/21 Hearing held, OPPD submitted a letter in support, 3/10/21 Placed on General File, 3/17/21 Speaker priority bill</i>
LB 112 Albrecht	Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act
<i>Neutral</i>	<i>1/7/21 Introduced, 1/11/21 Referred to Government, Military and Veteran Affairs Committee, 1/27/21 Hearing held</i>
LB 120 Hunt	Prohibit discrimination based upon sexual orientation and gender identity
<i>Support</i>	<i>1/7/21 Introduced, 1/11/21 Referred to Judiciary Committee, 2/26/21 Hearing held, OPPD submitted a letter in support.</i>
LB 126 Halloran	Require use of headlights and taillights when windshield wipers are in operation
<i>Support</i>	<i>1/7/21 Introduced, 1/11/21 Referred to Transportation and Telecommunications Committee, 1/26/21 Hearing held, OPPD submitted a letter in support, 2/25/21 Indefinitely postponed.</i>

2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 139 Briese	Adopt the COVID-19 Liability Protection Act
<i>Neutral</i>	<i>1/8/21 Introduced, 1/12/21 Referred to Judiciary Committee, 2/18/21 Hearing held, 3/11/21 Slama priority bill</i>
LB 140 Stinner	Provide funding for enforcement of railroad safety standards
<i>Neutral</i>	<i>1/8/21 Introduced, 1/12/21 Referred to Appropriations Committee, 2/19/21 Hearing held</i>
LB 212 M. Cavanaugh	Prohibit charging members of the Legislature fees for public records requests
<i>Oppose</i>	<i>1/8/21 Introduced, 1/12/21 Referred to Executive Board, 2/25/21 Hearing held</i>
LB 239 Hilkemann	Change provisions relating to the use of handheld wireless communication devices under the Nebraska Rules of the Road
<i>Support</i>	<i>1/11/21 Introduced, 1/13/21 Referred to Transportation and Telecommunication Committee, 1/26/21 Hearing held, OPPD submitted a letter in support, 2/25/21 Indefinitely postponed</i>
LB 240 Hilkemann	Require use of occupant protection systems for each vehicle occupant
<i>Support</i>	<i>1/11/21 Introduced, 1/13/21 Referred to Transportation and Telecommunications Committee, 1/26/21 Hearing held, OPPD submitted a letter in support, 2/25/21 Indefinitely postponed.</i>
LB 266 McCollister	Adopt the Renewable Energy Standard Act
<i>Neutral</i>	<i>1/12/21 Introduced, 1/14/21 Referred to Natural Resources Committee, 2/11/21 Hearing held</i>

2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 279 Bostar	Authorize certain activities that are eligible for assistance from the Affordable Housing Trust Fund
	<i>1/12/21 Introduced, 1/14/21 Referred to Appropriations Committee, 2/26/21 Hearing held</i>
LB 306 Brandt	Provide eligibility requirements for the low-income home energy assistance program
Support	<i>1/12/21 Introduced, 1/14/21 Referred to Health and Human Service Committee, 1/29/21 Hearing held, OPPD testified in support, 3/9/21 Placed on General file, 3/12/21 Brandt priority bill</i>
LB 339 Bostelman	Require a utility coordination plan for certain highway and bridge contracts
Neutral	<i>1/13/21 Introduced, 1/15/21 Referred to Transportation and Telecommunications Committee, 1/20/21 Hearing 1/26/21 cancelled, 2/16/21 Hearing held</i>
LB 344 Friesen	Change provisions of the One-Call Notification System Act and create the Underground Excavation Safety Committee
Oppose	<i>1/13/21 Introduced, 1/15/21 Referred to Transportation and Telecommunications Committee, 2/1/21 Hearing held, OPPD submitted written testimony in opposition, Placed on General File with AM83</i>
LB 346 Wishart	Adopt the Fueling Station Tax Credit Act
Neutral	<i>1/13/21 Introduced, 1/15/21 Referred to Revenue Committee, Hearing held 2/5/21</i>
LB 368 Sanders	Provide the Auditor of Public Accounts enforcement powers for failure of political subdivisions to file reports
Neutral	<i>1/13/21 Introduced, 1/15/21 Referred to Government, Military and Veterans Affairs Committee, 1/29/21 Hearing held, 2/8/21 Placed on General File with AM66, 3/12/21 Advanced to Select File, 3/23/21 Advanced to Final Reading, 3/25/21 Passed on Final Reading 46-0-3.</i>

2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 409 Brewer	Provide a moratorium on construction of electric transmission lines and create the Electric Transmission Line Study Committee of the Legislature
Oppose	<i>1/14/21 Introduced, 1/20/21 Referred to Executive Board, 1/22/21 Brewer priority bill, 2/3/21 Hearing held, OPPD submitted opposition letter</i>
LB 424 Brewer	Provide and change zoning requirements for wind energy generation projects
Oppose	<i>1/15/21 Introduced, 1/20/21 Referred to Government, Military and Veterans Affairs Committee, 2/26/21 Hearing held</i>
LB 449 Wishart	Appropriate funds to the Department of Environment and Energy
Support	<i>1/15/21 Introduced, 1/20/21 Referred to Appropriations Committee, 2/26/21 Hearing held</i>
LB 455 Friesen	Adopt the Broadband Pole Attachment Act
Oppose	<i>1/15/21 Introduced, 1/20/21 Referred to Transportation and Telecommunications Committee, 2/8/21 Hearing held</i>
LB 460 Brandt	Authorize leasing of dark fiber and eliminate certain powers of the Public Service Commission
Support	<i>1/15/21 Introduced, 1/20/21 Referred to Transportation and Telecommunications Committee, 2/9/21 Hearing held</i>
LB 474 Wishart	Adopt the Medicinal Cannabis Act
Neutral	<i>1/15/21 Introduced, 1/20/21 Referred to Judiciary Committee, 3/10/21 Hearing scheduled, 3/12/21 Wishart priority bill, 3/31/21 Placed on General File with AM824.</i>

2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 483 J. Cavanaugh	Provide for climate change study and action plan
<i>Neutral</i>	<i>1/15/21 Introduced, 1/20/21 Referred to Natural Resources Committee, 2/11/21 Hearing held</i>
LB 486 Day	Require train crews of at least two individuals
<i>Neutral</i>	<i>1/15/21 Introduced, 1/20/21 Referred to Transportation and Telecommunications Committee, 3/1/21 Hearing held</i>
LB 506 J. Cavanaugh	Change provisions relating to net metering provided by local distribution utilities
<i>Neutral</i>	<i>1/19/21 Introduced, 1/22/21 Referred to Natural Resources Committee, 2/10/21 Hearing held</i>
LB 512 Brewer	Adopt the Critical Infrastructure Utility Worker Protection Act
<i>Support</i>	<i>1/19/21 Introduced, 1/22/21 Referred to Business and Labor Committee, 3/1/21 Hearing held</i>
LB 520 Friesen	Provide for applications for the collocation of certain wireless facilities
<i>Neutral</i>	<i>1/19/21 Introduced, 1/22/21 Referred to Transportation and Telecommunications Committee, 2/8/21 Hearing held</i>
LB 539 Walz	Provide for the limit on the length of trains
<i>Neutral</i>	<i>1/19/21 Introduced, 1/22/21 Referred to Transportation and Telecommunications Committee, 3/1/21 Hearing held</i>

2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 557 M. Hansen	Change provisions relating to public records and include body-worn camera recordings in certain circumstances <i>1/19/21 Introduced, 1/22/21 Referred to Government, Military and Veterans Affairs Committee, 2/25/21 Hearing held</i>
LB 573 Bostar <i>Neutral</i>	Change the definition of qualified facility for purposes of net metering <i>1/19/21 Introduced, 1/22/21 Referred to Natural Resources Committee, 2/10/21 Hearing held</i>
LB 619 Sanders <i>Neutral</i>	Change excavation requirements under the One-Call Notification System Act <i>1/20/21 Introduced, 1/22/21 Referred to Transportation and Telecommunications Committee, 2/1/21 Hearing held, AM 70 introduced which writes OPPD out of the bill</i>
LB 683 Wayne <i>Oppose</i>	Change provisions relating to net metering <i>1/20/21 Introduced, 1/22/21 Referred to Natural Resources Committee, 2/10/21 Hearing held</i>
LR 48 Bostelman	Recognize the need for the Legislature to understand the circumstances and practices surrounding the interruptions in electricity to residents in the state <i>3/3/21 Hearing held</i>
LR 49 Wayne	Provide the need for the Legislature to understand the reasons for and circumstances surrounding the natural gas shortages <i>3/9/21 Hearing held</i>

Federal Legislative Update



Federal Update

- 21 of 23 Cabinet nominees confirmed. (slide 28 in appendix).
- Infrastructure package is the next major focus after COVID-19 stimulus.
 - President Biden's \$2 trillion, 8 year infrastructure package.
 - House Energy & Commerce Committee's Leading Infrastructure for Tomorrow's America Act (H.R. 1848 LIFT America Act) introduced March 11th.
- Other major bills of interest:
 - H.R. 848, the GREEN Act (renewable energy tax incentives).
 - H.R. 1512, the CLEAN Future Act (Clean Energy Standard) – the basis for the House Climate Package.
- 3334 bills introduced in the 117th Congress as of March 31th
- Hearings are starting on energy and environmental policies to set the groundwork for future legislation on climate.
- Federal bill tracker included.

SOURCE Congress.gov, Politico, Whitehouse.gov

Energy and environment look-ahead



Budget reconciliation and climate spending

- Some Democrats are considering at least one more infrastructure-focused **budget reconciliation package** following the COVID-19 stimulus reconciliation bill
- Some have also called for the legislation to contain provisions related to **climate change mitigation** and **environmental justice**

Outlook

- Democrats may divide an approximately \$3 trillion infrastructure proposal into two separate packages
- Enactment, however, will **depend largely on the stance of moderate Sen. Joe Manchin** (D-WV), chair of the Senate Energy and Natural Resources Committee



Pres. Biden's actions on climate

- In Jan. 2021, Biden **began reentering the Paris Agreement**, **canceled the Keystone XL pipeline**, and placed a **temporary moratorium on new oil and gas leases** for public waters and lands
- The Biden administration **delayed March oil lease sales** in four states

Outlook

- Future executive orders and regulations may include:
 - Reinstatement or extension of Obama administration **methane standards**
 - Stricter **auto emissions** requirements
 - Additional **oil and gas extraction restrictions**



Climate summit

- Biden plans to convene world leaders for a climate summit on Earth Day, April 22, 2021

Outlook

- At the summit, he is expected to reveal updated US plans to measurably reduce carbon emission by 2030
- US plans will likely influence the climate pledges other countries make at the UN climate conference occurring in fall 2021

Overview of Biden's first 100 days as president

An overview of Biden and congressional Democrats' priorities for the first 100 days of his presidency

Senate confirmations and impeachment trial

- Trump's impeachment trial likely to start soon after inauguration and unknown how long it will last
- National security positions (Defense, CIA, DHS) usually confirmed first
- The rest of the cabinet will likely be filled faster with a Democrat-controlled Senate



Addressing the coronavirus pandemic

- Passing a major stimulus bill
- Creating a nation-wide testing strategy
- Managing vaccine development and distribution



Reversing Trump admin policies

- Start the process of **rejoining international orgs**: Paris Climate Accord, WHO, Iran nuclear deal
- Reverse orders on immigration, reproductive health and civil rights



Advancing legislative priorities

- Climate change and infrastructure
- Political reform (H.R. 1), reinstating the Voting Rights Act
- Immigration reform



Status of legislative priorities for the first 100 days

COVID-19 stimulus

- **H.R.1319** – American Rescue Plan Act of 2021: **Passed House and Senate.**

Health care

- **H.R.153** – Protecting Consumer Access to Generic Drugs Act of 2021: **Introduced**
- The Biden administration has not yet proposed a plan to reduce prescription drug prices

Climate change/infrastructure

- **H.R. 1512** - Climate Leadership and Environmental Action for our Nation's Future Act of 2021: **Introduced**
- The White House is expected to release a proposal to invest in infrastructure and clean energy later this month

Immigration

- **S.264** – Dream Act of 2021: **Introduced**
- **H.R.1177/S.348** - To provide an earned path to citizenship, to address the root causes of migration and responsibly manage the southern border, and to reform the immigrant visa system, and for other purposes: **Introduced**

Education

- **H.Res.100** – Calling on the President of the United States to take executive action to broadly cancel Federal student loan debt: **Introduced**
- **S.96/H.R.604** – Reopen and Rebuild America's Schools Act of 2021: **Introduced**

Political/government reform

- **H.R.1** – For the People Act of 2021: **Passed House**

Energy and environment sector legislative outlook for the 117th Congress

Must pass legislation



Surface transportation reauthorization: Congress passed a one-year surface transportation extension in September 2020; five-year surface transportation reauthorization is still outstanding

Likely Potential Actions (OPPD Perspective)

- Extension of wind and solar Production and Investment Tax Credits (PTC & ITC)
- Energy R&D
- Enhanced Grid Security
- Increasing subsidies for advanced biofuels

Democratic priorities

- Instituting a federal Clean Energy Standard
- Greening COVID-19 recovery efforts
- Extending clean energy tax credits
- Introducing environmental justice measures

Republican priorities

- Advancing market-based conservation through the Trillion Trees initiative
- Limiting the cost and regulatory burden of climate change mitigation efforts
- Investing in Carbon Capture and Storage and energy efficiency