



Reporting Item

BOARD OF DIRECTORS

May 17, 2022

ITEM

Legislative and Regulatory Update

PURPOSE

To provide an update on 2022 state and federal legislative matters and regulatory matters

FACTS

- a. Nebraska's 107th Legislature 2nd session began on January 5, 2022 and ended on April 20, 2022.
- b. The 117th Congress began on January 3, 2021 and is expected to end January 3, 2023.

ACTION

Reporting item

RECOMMENDED:

DocuSigned by:
Lisa A. Olson
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Lisa A. Olson
Vice President – Public Affairs

APPROVED FOR REPORTING TO BOARD:

DocuSigned by:
L. Javier Fernandez
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L. Javier Fernandez
President and Chief Executive Officer

Attachment: State and Federal Legislative Update

Government Affairs Update

5/17/2022

Tim O'Brien, Director – Economic Development & External Relations

State Legislative Update



2022 Nebraska Legislative Calendar

Nebraska's 107th Legislature, Second Session

- 60 day session
- January 5th – Legislature convened at 10 am
- January 10th - Debate begins for carry-over legislation
- January 14th - Final day to submit bill requests to Revisor of Statutes Office
- January 18th – Committee hearings begin
- January 20th – Last day of bill introduction
- February 17th – Final day to request speaker priority bills
- February 22nd – Final day to designate committee and senator priority bills
- February 23rd – Speaker to announce 2022 speaker priority bills
- March 3rd – Final day of committee hearings
- March 8th – Full day of floor debate begins
- April 20th – Sine die

2022 OPPD priority bills

LB & Current Status	Summary
LB 742 Erdman	Provide for minutes to be kept in an electronic record under the Open Meetings Act.
Neutral	<i>1/10/22 Referred to Government, Military and Veterans Affairs Committee, 2/9/22 Hearing held, 2/15/22 Placed on General file, 3/17/22 Placed on Select file, 4/5/22 Advanced to Final reading, 4/12/22 Passed on Final reading 42-0-7. 4/18/22 Signed by Governor</i>
LB 804 Hughes	Change compensation of certain members of the Nebraska Power Review Board.
Support	<i>1/10/22 Referred to Natural Resources Committee, 1/19/22 Hearing held, 2/3/22 Placed on General file, 2/23/22 Speaker priority bill, 3/2/22 Placed on Select file, 3/10/22 Advanced to Final reading, 4/12/22 Passed on Final reading 45-0-4. 4/18/22 Signed by Governor</i>
LB 847 Wishart	Redefine political subdivision under the Political Subdivisions Construction Alternatives Act.
Support	<i>1/10/22 Referred to Govt., Military and VA Committee, 1/28/22 Hearing held, 2/3/22 Placed on General file, 2/16/22 Placed on Select file, 3/2/22 Advanced to Final reading, 3/8/22 Passed on Final reading 44-0-5, 3/14/22 Signed by Governor</i>
LB 908 McDonnell	Provide additional requirements for virtual conferencing under the Open Meetings Act.
Neutral	<i>1/11/22 Referred to Govt., Military and VA Committee, 2/22/22 Placed on General file with AM1950, 3/14/22 AM 1950 adopted, 3/17/22 Placed on Select file, 4/5/22 Advanced to Final reading, 4/12/22 Passed on Final reading 44-1-4. 4/18/22 Signed by Governor</i>

2022 OPPD priority bills

LB & Current Status	Summary
LB 969 Dorn	Appropriate federal funds to the Department of Environment and Energy to improve reliability and resiliency of the electric grid.
Support	<i>1/12/22 Referred to Appropriations Committee, 2/16/22 Hearing held, 4/20/22 Indefinitely postponed</i>
LB 977 Slama	Appropriate federal funds to the Department of Economic Development for expanding electrical system capabilities.
Support	<i>1/12/22 Referred to Appropriations Committee, 2/16/22 Hearing held, 2/22/22 Slama priority bill, 3/14/22 Placed on General file with AM2310, 3/31/22 AM2310 adopted, 4/5/22 Placed on Select file, 4/8/22 Advanced to Final Reading, 4/12/22 Passed on Final reading with E clause 42-0-7. 4/18/22 Signed by Governor</i>
LB 1002 McDonnell	Appropriate federal funds to the Department of Health and Human Services for low-income home energy assistance.
Support	<i>1/13/22 Referred to Appropriations Committee, 3/2/22 Hearing held, 4/20/22 Indefinitely postponed</i>
LB 1045 Bostelman	Change qualifications of certain public power district board members.
Oppose	<i>1/20/22 Referred to Natural Resources Committee, 2/2/2022 Hearing held, 2/22/22 Natural Resources priority bill, 3/1/22 Placed on General file with AM2081, 4/20/22 Indefinitely postponed</i>
LB 1047 Bostelman	Change filing requirements with the Nebraska Power Review Board.
Oppose	<i>1/20/2022 Referred to Natural Resources Committee, 1/27/22 Hearing held, 3/1/22 Amended into LB 1045 with AM2081, 4/20/22 Indefinitely postponed</i>

2022 OPPD priority bills

LB & Current Status	Summary
LB 1058 Brewer	Provide requirements for public power suppliers relating to baseload units.
Oppose	<i>1/20/22 Referred to Natural Resources Committee, 1/28/22 Hearing held, 3/1/22 Amended into LB 1045 with AM2081, 4/20/22 Indefinitely postponed</i>
LB 1099 Bostelman	Create the Nebraska Hydrogen Hub Industry Work Group.
Support	<i>1/21/22 Referred to Natural Resources Committee, 2/9/22 Hearing held, 2/14/22 Bostelman priority bill, 2/15/22 Placed on General file with AM1895, 3/2/22 Placed on Select file, 3/8/22 Advanced to Final reading, 3/11/22 Passed on Final reading with E clause 47-0-2, 3/16/22 Signed by Governor</i>
LB 1100 Bostelman	Appropriate federal funds to the Department of Economic Development for a feasibility study relating to nuclear reactors.
Support	<i>1/21/22 Referred to Appropriations Committee, 2/16/22 Hearing held, 4/20/22 Indefinitely postponed</i>
LB 1102 Bostelman	Adopt the Nebraska Environment Response Act and change provisions relating to enforcement of environmental protection.
Monitor	<i>1/21/22 Referred to Natural Resources Committee, 2/3/22 Hearing held, 2/23/22 Placed on General file with AM1893, 2/23/22 Speaker priority bill, 3/15/22 Placed on Select file, 4/12/22 Advanced to Final reading, 4/12/22 Passed on Final reading 46-0-3, 4/18/22 Signed by Governor</i>

2022 OPPD priority bills

LB & Current Status	Summary
LB 1144 Friesen	Change provisions relating to the Nebraska Telecommunications Regulation Act and the Nebraska Broadband Bridge Act.
<i>Under Review</i>	<i>1/21/22 Referred to Trans and Telecom Committee, 2/8/22 Hearing held, 2/22/22 Trans and Telecom Committee priority bill, 3/8/22 Placed on General file with AM2107, 3/28/22 AM 2107 adopted, 3/30/22 Placed on Select file, 4/13/22 Advanced to Final reading, 4/13/22 Passed on Final reading with E clause 46-0-3, 4/19/22 Signed by Governor</i>
LB 1255 Bostar	Appropriate federal funds to the University of Nebraska for an updated climate change report.
<i>Support</i>	<i>1/24/22 Referred to Appropriations Committee, 3/3/22 Hearing held, 4/20/22 Indefinitely postponed</i>
LB 1257 Bostar	Appropriate federal funds to the Department of Transportation for grants for electric vehicle direct-current fast charging station.
<i>Neutral</i>	<i>1/24/22 Referred to Appropriations Committee, 2/23/22 Hearing held, 4/20/22 Indefinitely postponed</i>

2021 Carry over bills

LB & Current Status	Summary
LB 344 Friesen	Change provisions of the One-Call Notification System Act and create the Underground Excavation Safety Committee
Oppose	<i>1/15/21 Referred to Trans and Telecom Committee. 2/1/21 Hearing held, 2/24/21 Placed on General file with AM83, 2/17/22 Friesen AM1880 filed, 2/23/22 Speaker priority bill, 3/11/22 AM1880 adopted, 3/14/22 Placed on Select file, 3/22/22 Hearing held on AM1880, 4/20/22 Indefinitely postponed</i>
LB 460 Brandt	Authorize leasing of dark fiber and eliminate certain powers of the Public Service Commission
Support	<i>1/20/21 Referred to Transportation and Telecommunication Committee, 2/9/21 Hearing held, 4/20/22 Indefinitely postponed</i>
LB 512 Brewer	Adopt the Critical Infrastructure Utility Worker Protection Act
Support	<i>1/22/21 Referred to Business and Labor Committee, 3/1/21 Hearing held, 2/15/22 Placed on General file with AM1620, 2/22/22 Business and Labor priority bill, 4/20/22 Indefinitely postponed</i>

2022 Interim Study

LR & Current Status	Summary
LR 295 Kolterman	Interim study to monitor underfunded defined benefit plans administered by the political subdivisions as required by 3-2402.
	<i>4/5/22 Referred to Nebraska Retirement Systems Committee</i>
LR 330 Linehan	Interim study to determine what percentage should be used to forecast revenue when preparing fiscal notes and determine if state agencies or political subdivisions should use the same percentage.
	<i>4/5/22 Referred to Appropriations Committee</i>
LR 355 Bostelman	Interim study to examine and review Chapter 70 of the Nebraska Statutes relating to power districts and corporations.
	<i>4/5/22 Referred to Natural Resources Committee</i>
LR 363 Bostelman	Interim study to examine the reprocessing and recycling of spent nuclear fuel.
	<i>4/5/22 Referred to Natural Resources Committee</i>
LR 376 M. Hansen	Interim study to determine whether reports of the resistance of public agencies to fulfill public record requests are representative of a broad statewide issue or represent isolated incidents.
	<i>4/5/22 Referred to Government, Military and Veterans Affairs Committee</i>
LR 380 Day	Interim study to examine a potential limit on taxation of public and private pension income.
	<i>4/5/22 Referred to Transportation and Telecommunications Committee</i>

2022 Interim Study

LR & Current Status	Summary
LR 392 Friesen	Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee.
	<i>4/5/22 Referred to Transportation and Telecommunications Committee</i>
LR 393 J. Cavanaugh	Interim study to examine the committee hearing procedures of the Legislature.
	<i>4/5/22 Referred to Executive Board</i>
LR 394 J. Cavanaugh	Interim study to examine potential changes to Nebraska's net metering policy.
	<i>4/5/22 Referred to Natural Resources Committee</i>
LR 401 Friesen	Interim study to review the administration of the Nebraska Broadband Bridge Act.
	<i>4/5/22 Referred to Transportation and Telecommunications Committee</i>
LR 402 McCollister	Interim study to assess the ranking criteria and practices of the Nebraska Environmental Trust.
	<i>4/5/22 Referred to Natural Resources Committee</i>
LR 418 Bostar	Interim study to examine the sales tax system in Nebraska with respect to exemptions provided to various industries.
	<i>4/5/22 Referred to Revenue Committee</i>

2022 Interim Study

LR & Current Status	Summary
LR 419 Bostelman	Interim study to examine the existing federal rule process for nuclear generation license renewal applications.
	<i>4/5/22 Referred to Natural Resources Committee</i>
LR 421 Bostar	Interim study to examine property rights issues.
	<i>4/5/22 Referred to Judiciary Committee</i>

Local Update



Local Update

- Continuing introductions of Javier to various public officials across the service territory through June.
- Continuing to add public officials to Everbridge automated calls at their request
- Recently visited villages, cities and counties to:
 - thank public officials and staff for their service
 - provide the new Power with Purpose handout
 - check in with villages/cities on the Arbor RR Line
 - provide the Stay Connected flier that lists our web properties



Federal Legislative Update



Federal Update

- Senate Budget reconciliation package.
 - House passed the Build Back Better bill (reconciliation package) on November 19th, but failed in the Senate and has been put off to address other priorities.
 - Bipartisan Senate meetings have taken place in the last two weeks; however, no indications that formal negotiations have taken place or that a new version of BBB will be presented prior to the Memorial Day deadline.
 - Related to this are the energy tax provisions. The wind PTC has expired and may be address later this year if a revised “BBB” package is revived.
- OPPD tracking potential funding opportunities available to public power utilities from the Infrastructure Investment and Jobs Act.
 - Funds have begun to be allocated to existing grant programs; however, new program funding remains to be allocated.
- 11,805 bills introduced in the 117th Congress as of May 6th.