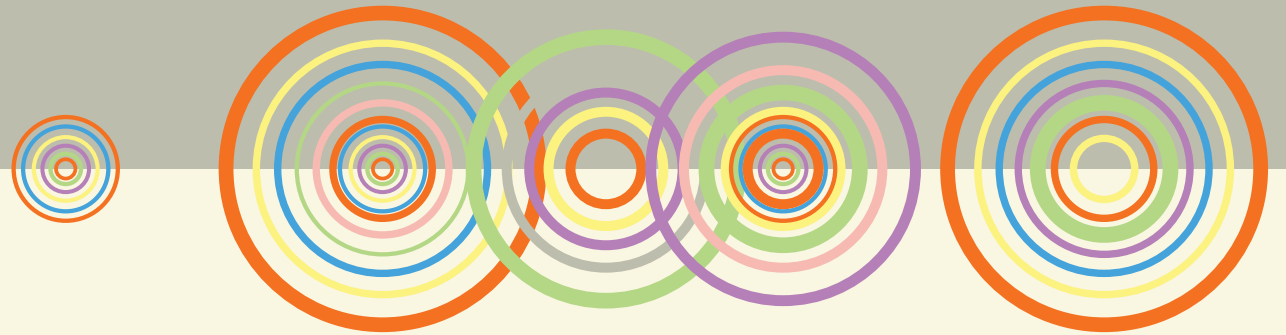


➤ 04.14.26 ➤

LEGISLATIVE UPDATE



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Omaha Public Power District

2026 LEGISLATIVE SESSION

- 60 –Day session
- 547 bills
 - 74 bills of interest to OPPD
- Day 59 of the Legislature
- April 17 - Adjourn Sine Die

ACTIVE BILLS OF INTEREST



LB1010 – Brandt – Provide for eminent domain of electrical energy storage property, storage of electric energy under the Electric Cooperative Corporation Act, and energy storage resources and change application, notice, filing, exemption, and violation provisions relating to electric suppliers (*Natural Resources Committee Hearing 2/11/26; Committee priority bill; Passed on Final Reading 49-0-0*) - *OPPD Support*

- **Issue on associated energy storage resource and immediate vicinity**
 - Fixed by a colloquy, no immediate vicinity
- **Amendment on nameplate capacity passed**
- **Amendment on changes to LB1064 – ‘Large Load Customer Regulation Act’ - did not pass**
- **Amendment on changes to LB1111 – ‘change provisions relating to cryptocurrency mining operations and data centers’ passed**
 - Decommissioning and community benefit agreement requirements

LB1010 HIGHLIGHTS – PASSED ON FINAL READING

- **LB1010 Energy Storage**
 - **Allows for battery energy storage resources both standalone and associated with a privately developed renewable energy generation facility**
 - **Requires Power Review Board approval and written consent from the local utility for private storage projects; Local utility cannot use eminent domain on an energy storage resource approved by the Power Review Board**
 - **Requires private developers to partner and contract with a public power utility (PPA)**
 - **All utilities impacted need to consent**
 - **Establishes a nameplate capacity tax for energy storage resources and outlines how the revenue will be distributed to local taxing entities**
- **Includes LB1064**
 - **Establishes standards for interconnecting large load customers (e.g., those with loads exceeding 20 megawatts) to public power suppliers, including requirements for disclosure, study fees, site control, and financial commitments for infrastructure development**
- **Includes LB1111**
 - **Allows public power suppliers to impose terms and conditions on data centers that require the operation or center to pay the full cost of providing electric service and ensure no cost is passed on to other retail customers**
 - **Requires annual reporting by data centers**
 - **The owner or operator of a data center shall bear all decommissioning costs of such data center and enter into a community benefit agreement with communities affected by the data center**

ACTIVE BILLS OF INTEREST

LB1261 – DeKay/Governor – Prohibit the use of eminent domain to acquire certain privately owned electric generation facilities (*Natural Resources Committee hearing 2/5/26; Senator Moser priority bill; Passed on Final Reading 33-16-0*) - *OPPD Support*

- **Committee amendment on striking “projected” passed**
- **Amendment on “any waiver must be approved by the board of directors” passed**
- **Amendment on “any contract entered into under this subdivision must be approved by the board of directors” passed**
- **Technical amendment to ensure all public power utilities “governing boards” are included instead of “board of directors” passed**

LB1261 HIGHLIGHTS – PASSED ON FINAL READING

- **Creates a timing pathway for large customer electric load and economic development projects**
- **Consumer-owned utilities are prohibited from using eminent domain to take certain privately owned electric generation facilities built to serve large industrial customers with new electric loads over 1,000 MW**
- **To qualify for this protection, the private facility must be co-located with the industrial customer, share an equivalent grid interconnection point, and have Nebraska Power Review Board approval**
- **Any waiver and contract must be approved by the governing body of the consumer-owned utility or utilities**
- **The private generator and the relevant consumer-owned utility (and wholesale supplier, if applicable) must enter into a long-term contractual arrangement that:**
 - **preserves the utility's exclusive retail service rights, provides commercial benefits to the utility, prohibits resale of electricity by the industrial customer and includes a contractual waiver of eminent domain for the contract's duration**
- **The industrial customer must pay all costs associated with system upgrades, congestion, or other impacts on consumer-owned utilities**
- **The private generation facility may only serve the industrial customer, unless the consumer-owned utility agrees otherwise (waiver)**
- **These provisions apply to contracts for new industrial loads entered into on or before December 31, 2031**

ACTIVE BILLS OF INTEREST

- **LB1033** – Spivey – Require DHHS to make crisis assistance payments under LIHEAP (*HHS Committee Hearing 2/20/26; Amendment 3119 adopted – Part of LB958; Passed on Final Reading with emergency clause 48-1-0) - OPPD Support*
 - **This OPPD-led bill, in coordination with Senator Spivey, provides needed support for customers seeking assistance in bill payments**
 - **The Department of Health and Human Services shall make crisis assistance payments as necessary of no more than eight hundred dollars per program year**
 - **The Department of Health and Human Services may authorize crisis assistance payments for more than eight hundred dollars per program year based on extenuating circumstances**

ACTIVE BILLS OF INTEREST



- **LB935** – Bosn – Provide for the award of costs and attorney’s fees in certain actions involving political subdivisions (*Judiciary Committee Hearing 2/18/26; Passed on Final Reading with emergency clause 38-11-0*) - *OPPD Support*
- **LB1108** – Clouse – Change provisions related to contracts entered into by and bidding requirements and exceptions for joint entities and public power districts (*Government, Military and Veterans Affairs Committee Hearing 2/20/26; Passed on Final Reading 49-0-0*) - *OPPD Support*
- **LB1145** – Lonowski – Change provisions relating to notice requirements for a meeting of a public body under the Open Meetings Act (*Government, Military and Veterans Affairs Committee hearing 2/5/26; Part of LB596 – Passed on Final Reading 46-3-0*) - *OPPD Support*
- **LB1191** – Hallstrom – Change provisions relating to certain employment and investment requirements under the Nebraska Advantage Act (*Revenue Committee hearing 2/6/26; Part of LB1165 – Passed on Final Reading with emergency clause 42-7-0*) - *OPPD Support*
- **LB1096** – Bostar/Governor – Adopt the Preventing Lethal Agricultural and National Threats Act and the Critical Infrastructure Protection Act, authorize the withholding of records relating to critical water infrastructure, and provide civil and criminal penalties (*Judiciary Committee hearing 2/5/26; AM2313 hearing 3/5; Senator Bostar priority bill; Passed on Final Reading 34-15-0*) - *OPPD Monitor*

BILLS OF INTEREST **NOT LIKELY TO PASS**

- OPPD advocates for the following:
 - **Rates issue (involving provisions to setting of certain rates)**
 - LB413
 - **Transmission issue (involving private transmission)**
 - LB489
 - **Operational issues (involving deceptive trade practice, provisions for proclamations to disasters)**
 - LB1003, LB546

BILLS OF INTEREST **NOT LIKELY TO PASS**

- OPPD advocates against the following:
 - **Generation issues (involving battery storage, local control, regulations, Grid Modernization Act)**
 - LB349, LB503, LB1026, LB1027, LB1172, LB1193, LB1204, LB1259
 - **Real estate and eminent domain issues**
 - LB964, LB1255
 - **Financial and operational issues (involving cost of living adjustments, One Call Notification System Act)**
 - LB571, LB1093

INTERIM STUDIES OF INTEREST TO OPPD



- **LR373** – Interim study to carry out the provisions of section 13-2402, which requires the Nebraska Retirement Systems Committee to monitor **underfunded defined benefit plans administered by political subdivisions**
- **LR400** – Interim study to examine **economic development programs, policies, and incentives** administered by the state
- **LR407** – Interim study to examine **revitalization of urban areas** and how cities and villages may utilize the role of culture as a driver of economic development, workforce attraction, tourism, and community revitalization in Nebraska
- **LR418** – Interim study to examine **inland port authorities**, how inland port authorities currently operate, and the progress of inland port authorities in developing land, infrastructure, and opportunities in the areas of the authorities
- **LR421** – Interim study to examine the **current status of artificial intelligence legislation** occurring at the state and federal levels to address risks to public safety and to determine what action Nebraska should take to address such risks
- **LR429** – Interim study to evaluate the **compensation of members of the governing bodies of political subdivisions**

INTERIM STUDIES OF INTEREST TO OPPD



- **LR432** – Interim study to examine how current **residential building codes** affect the cost of rehabilitating older properties and if changes need to be made to such codes to lessen the cost of rehabilitation
- **LR441** – Interim study relating to the **applicability for residential versus commercial building codes** and the implications of enacting LB1227, introduced in the One Hundred Ninth Legislature, Second Session
- **LR443** – Interim study to consider creating a **referencing** guide to assist the Reference Committee of the Legislature in referencing bills to the proper standing committee of the Legislature
- **LR460** – Interim study to examine **residential building codes** and land development regulations and which specific codes may be cost prohibitive in the building of affordable and workforce housing
- **LR471** – Interim study to examine issues related to the production of **natural gas**
- **LR476** – Interim study to examine the fiscal, constitutional, and administrative implications of adopting LB1095, 2026, relating to **divesting assets of the retirement systems from the People's Republic of China**