

# Legislative Update 5/18/2021

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# State Legislative Update



# 2021 Nebraska Legislative Calendar

## Nebraska's 107th Legislature

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

# 2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 83 Flood	Change the Open Meetings Act to provide for virtual conferencing
Support	<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, 4/15/21 Passed on Final Reading 43-0-6 with Emergency Clause. 4/21/21 Signed by Governor.</i>
LB 84 Bostelman	Redefine terms relating to tax incentive performance audits and the ImagiNE Nebraska Act
Support	<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, 4/27/21 Advanced to Select File.</i>
LB 139 Briese	Adopt the COVID-19 Liability Protection Act
Neutral	<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 279 Bostar	Authorize certain activities that are eligible for assistance from the Affordable Housing Trust Fund.
Neutral	<i>1/14/21 Referred to Appropriations Committee, 2/26/21 Hearing held, 4/9/21 Amended into LB 384 budget bill, 4/26/21 Signed by Governor</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, 4/29/21 Advanced to Select File</i>

# 2021 Legislation – Priority Status

Bill & Current Status	Summary
LB 368 Sanders	Provide the Auditor of Public Accounts enforcement powers for failure of political subdivisions to file reports
<i>Neutral</i>	<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, 3/31/21 Signed by Governor.</i>
LB 409 Brewer	Provide a moratorium on construction of electric transmission lines and create the Electric Transmission Line Study Committee of the Legislature
<i>Oppose</i>	<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 449 Wishart	Appropriate funds to the Department of Environment and Energy
<i>Support</i>	<i>1/15/21 Introduced, 1/20/21 Referred to Appropriations Committee, 2/26/21 Hearing held, 4/9/21 Amended into LB380 budget bill, 4/1/21 LB 380 Placed on General File with AM393, 4/12/21 Advanced to Select File with ER56, 4/14/21 Advanced to Final Reading, 4/20/21 Passed on Final Reading with Emergency Clause, 4/26/21 Signed by Governor</i>
LB 460 Brandt	Authorize leasing of dark fiber and eliminate certain powers of the Public Service Commission
<i>Support</i>	<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
<i>Neutral</i>	<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>

# Other Bills of Interest

- LB 338 – Change provisions regarding broadband service and provide requirements for and change provisions relating to funding for broadband infrastructure.
  - 5/5/21 Signed by Governor
- LB 380 – Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2023
  - 4/26/21 Signed by Governor
- LB 388 - Adopt the Nebraska Broadband Bridge Act
  - 4/28/21 Advanced to Select File
- LB 650 - Adopt the Nebraska Geologic Storage of Carbon Dioxide Act
  - 4/20/21 Advanced to Final Reading

# Federal Legislative Update



# Federal Update Summary

- 4,510 bills introduced in the 117<sup>th</sup> Congress as of May 6<sup>th</sup>
- Hearings are starting on energy and environmental policies to set the groundwork for future legislation on climate.
- Infrastructure package is the next major focus after COVID-19 stimulus.
  - President Biden's \$2 trillion, 8 year infrastructure package. GOP \$568 billion counterproposal (slides 10-12).
  - H.R. 1848 LIFT America Act - House Energy & Commerce Committee's Leading Infrastructure for Tomorrow's America Act (H.R. 1848 LIFT America Act) introduced March 11<sup>th</sup>.
- 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.
- 21 of 23 Cabinet nominees confirmed. Hearings begin for Undersecretaries and other appointed positions. (slide 30 in appendix).



# Infrastructure Proposals



# Biden's American Jobs Plan infrastructure summary

**BACKGROUND:** On March 31<sup>st</sup>, President Biden released his \$2 trillion American Jobs Plan, a proposal to restore and upgrade US infrastructure, and his Made in America Tax Plan, a proposal to overhaul the corporate tax code and fully fund the American Jobs Plan within 15 years. The American Jobs Plan focuses on:



Repairing highways, roads, and bridges



Expanding high-speed broadband internet access



Completing and upgrading new schools



Shifting towards clean energy

## Purpose



- Rebuild US infrastructure after decades of disinvestment
- Create millions of jobs
- Position the US to out-compete China

## Outlook



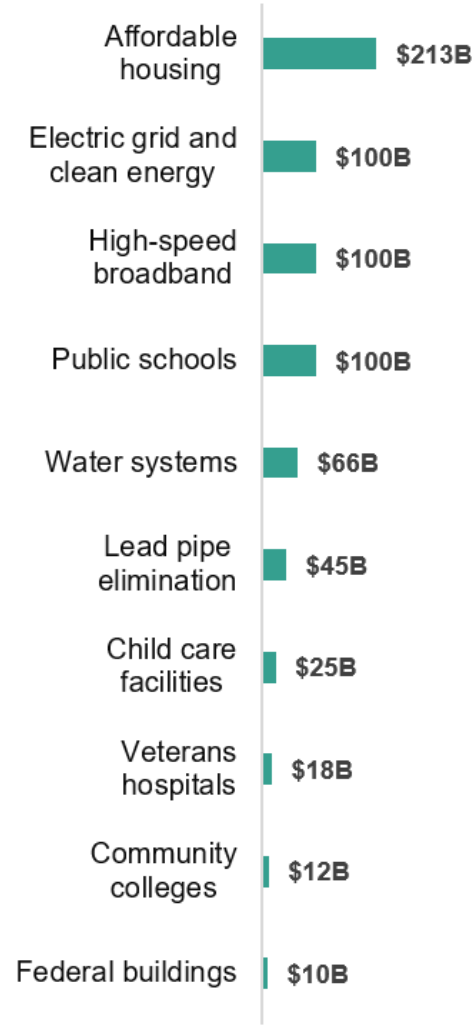
- Republican support for the plan in the Senate appears unlikely
- To avoid the filibuster, Democrats would need the support of their entire caucus plus ten Republican senators
- Democrats could use budget reconciliation to pass the legislation with a simple majority, which they already used to pass the American Rescue Plan

# American Jobs Plan estimated spending, by category

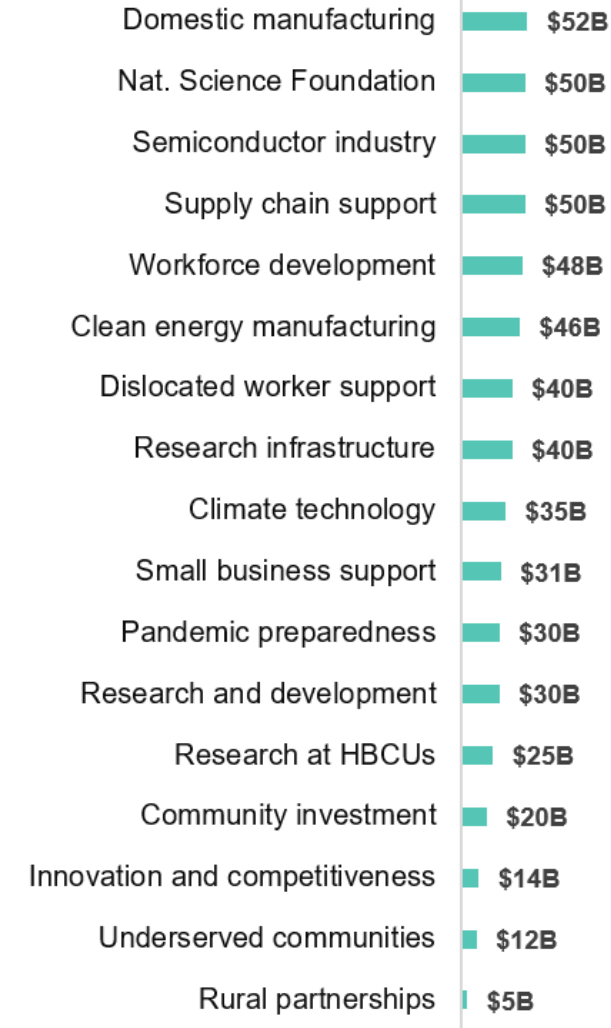
## Transportation



## Buildings and utilities



## Jobs and innovation



SOURCE: The New York Times, The White House.

# Key revenue provisions in President Biden's Made in America Tax Plan



Raising corporate tax rate to 28%



Raising tax on US firms' foreign income



Altering taxes on foreign corporations



Discouraging US firms from claiming residence in other countries



Discouraging job offshoring



Removing deduction on foreign-derived intangible income (FDII)



Instituting minimum tax of 15% on corporate book income



Removing fossil fuel tax preferences



Increasing corporate enforcement

# Senate GOP infrastructure package

Senate Republicans \$568 billion proposal is meant to serve as a counteroffer to the American Jobs Plan, President Biden's proposed \$2 trillion infrastructure package. No bill text as of May 6<sup>th</sup>.



## Overview of the GOP counterproposal

- Emphasizes spending on “traditional” infrastructure – including roads, ports, and airports – as well as water infrastructure and expanded broadband
- Proposed revenue sources include repurposing federal funds and instituting user fees



## Key differences from the American Jobs Plan

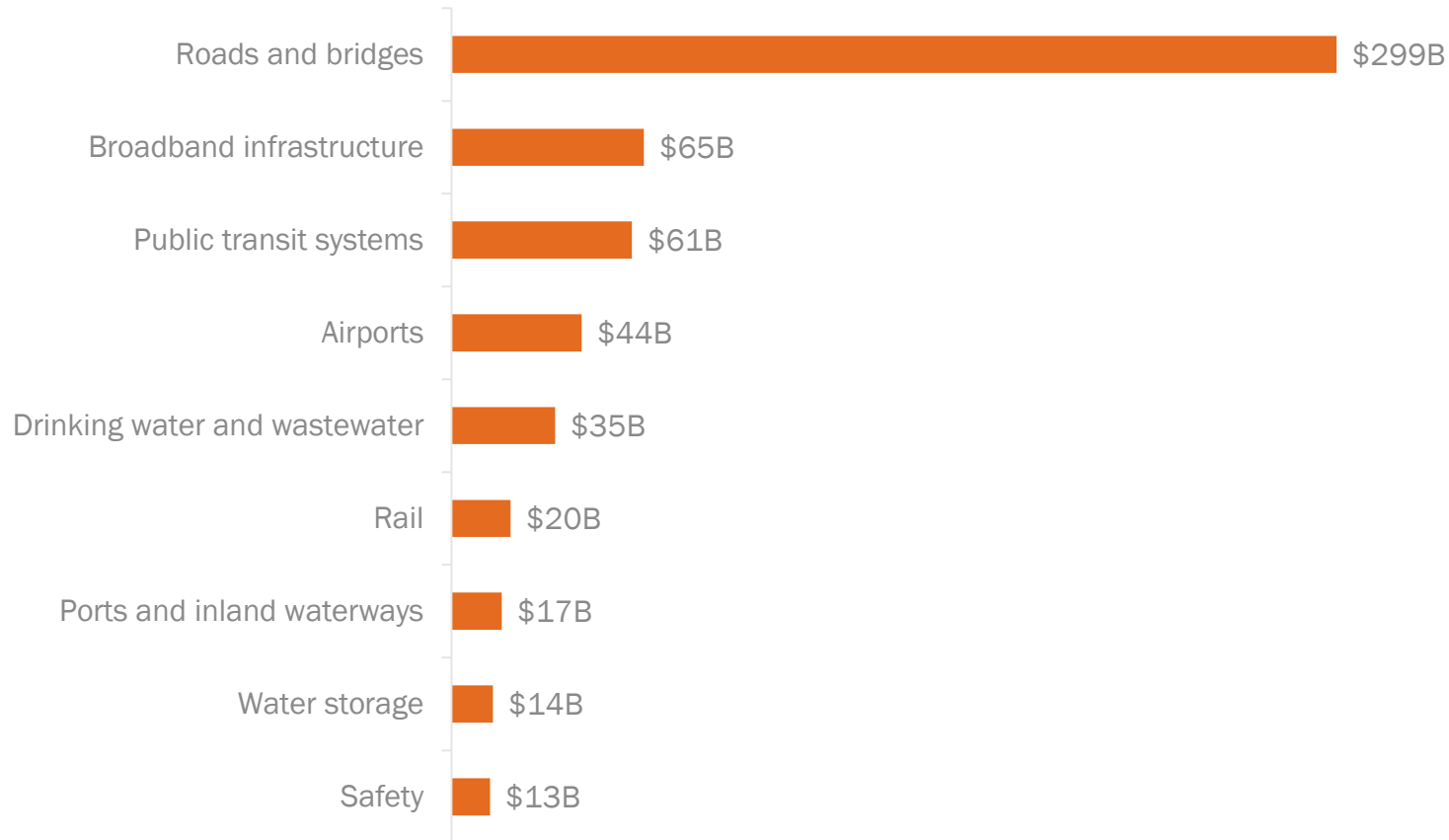
- Includes \$568B in spending versus \$2T in President Biden's American Jobs Plan
- Does not call for spending on emissions reduction or racial justice
- Maintains key provisions from President Trump's Tax Cuts and Jobs Act, including a corporate tax rate of 21% – compared to Biden's proposal of 28%



## Outlook

- Sen. Joe Manchin (D-WV), a key Senate swing vote, expressed support for the GOP package
- Most other Democratic policymakers are likely to oppose the plan, in part because it includes substantially lower funding levels than the American Jobs Plan
- Biden is working to reach a bipartisan infrastructure agreement, but the prospect of a deal is uncertain

# Spending levels in Republicans' \$568B infrastructure counterproposal, by category



SOURCE Axios, Senate Environment and Public Works Committee.

# Biden Administration first 100 Days



# Overview of Biden's first 100 days in office

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 started soon after inauguration
- Twenty-one of Biden's cabinet and cabinet-level members have been confirmed by the Senate



## Addressing the coronavirus pandemic

- Passed a major stimulus bill
- Created a nation-wide testing strategy
- Overtook management of vaccine development and distribution



## Reversing Trump admin policies

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



## Advancing legislative priorities

- COVID-19 Relief (H.R.1319), American Rescue Plan Act of 2021
- Climate change and infrastructure, American Jobs Plan and American Families Plan
- Election 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: **Became Law**

## Health care

- **H.R.153** – Protecting Consumer Access to Generic Drugs Act of 2021: **Introduced**
- **H.R.3** – Elijah E. Cummings Lower Drug Costs Now Act: **Introduced**

## Climate change/infrastructure

- **H.R. 1512** - Climate Leadership and Environmental Action for our Nation's Future Act of 2021: **Introduced**
- **On March 31, Biden released his American Jobs Plan, a \$2 trillion proposal to restore and upgrade US infrastructure**

## Immigration

- **S.264** – Dream Act of 2021: **Introduced**
- **H.R.1177/S.348** – US Citizenship Act: **Introduced**

## Education

- **S.96/H.R.604** – Reopen and Rebuild America's Schools Act of 2021: **Introduced**
- **On April 28, Biden released his American Families Plan, a \$1.8 trillion proposal which includes investments in child care, universal preschool, and free community college**

## Political/government reform

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