



Reporting Item

BOARD OF DIRECTORS

January 18, 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 ends 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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Vice President – Public Affairs

APPROVED FOR REPORTING TO BOARD:

DocuSigned by:

L. Javier Fernandez

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President and Chief Executive Officer

Attachment: State and Federal Legislative Update

Legislative Update 1/18/2022

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

Speaker Scheduling of Bills

- Bills that fail to advance from general file or from select file, unless subsequently designated as a priority bill, will not get rescheduled.
- Any 2021 priority bill may be designated as a 2022 priority bill and will be treated as a new debate.
- Order of priority when scheduling a bill:
 - First: 2022 priority bills
 - Second: 2021 carry over priority bills eligible for scheduling
 - Third: Worksheet order bills

Bills and Hearings

- 357 bills have been introduced as of January 14th.
- Hearings of interest begin on January 19th.
 - LB 775 Brewer – Prohibit land disposal of wind turbine blades and their component parts
 - LB 804 Hughes – Change compensation of certain members of the Nebraska Power Review Board
- January 24th
 - LB 731 J. Cavanaugh – Provide requirements under the Small Wireless Facilities Deployment Act
- January 25th
 - LB 884 M. Cavanaugh – Provide notice to private residential owners under the One-Call Notification System Act

Possible Legislation

- American Rescue Plan Act bills
 - Customer assistance – \$2 million – **LB1002**
 - Storm mitigation grant program – \$10 million – **LB969**
 - Electric Vehicle (EV) charging station grant program – \$10 million
 - Falls City transmission – \$29 million – **LB977**
 - SMR feasibility study in Nebraska – \$1 million
- LR136 recommended legislation
- Design build – Senator Wishart to add Public Power Districts (PPDs) and Irrigation Districts – **LB847**
- Reduce sales tax from electric sales with reduction of emissions – Senator McCollister – **LB944**
- One-call bills

2021 Carry over bills

LB & Current Status	Summary
LB 52 Lathrop	Provide for immunity for injury or death resulting from COVID-19 exposure
<i>Neutral</i>	<i>1/11/21 Referred to Judiciary Committee, 2/18/21 Hearing held</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>1/11/21 Referred to Government, Military and Veterans Affairs Committee, 1/27/21 Hearing held</i>
LB 120 Hunt	Prohibit discrimination based upon sexual orientation and gender identity.
<i>Support</i>	<i>1/11/21 Referred to Judiciary Committee, 2/26/21 Hearing held</i>
LB 140 Stinner	Change provisions relating to enforcement of railroad safety standards
<i>Neutral</i>	<i>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 record requests.
<i>Oppose</i>	<i>1/12/21 Referred to Executive Board, 2/25/21 Hearing held</i>
LB 266 McCollister	Adopt the Renewable Energy Standard Act
<i>Neutral</i>	<i>1/14/21 Referred to Natural Resources Committee, 2/11/21 Hearing held</i>

2021 Carry over bills

LB & Current Status	Summary
LB 339 Bostelman	Require a utility coordination plan for certain highway and bridge contracts
<i>Neutral</i>	<i>1/15/21 Referred to Transportation and Telecommunication Committee, 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.
<i>Oppose</i>	<i>1/15/21 Referred to Transportation and Telecommunication Committee, 2/1/21 Hearing held, 2/24/21 Placed on General File with AM83</i>
LB 424 Brewer	Provide and change zoning requirements for wind energy generation projects.
<i>Oppose</i>	<i>1/20/21 Referred to Government, Military and Veteran Affairs Committee, 2/26/21 Hearing held</i>
LB 455 Friesen	Adopt the Broadband Pole Attachment Act
<i>Oppose</i>	<i>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
<i>Support</i>	<i>1/20/21 Referred to Transportation and Telecommunication Committee, 2/9/21 Hearing held</i>

2021 Carry over bills

LB & Current Status	Summary
LB 483 J. Cavanaugh	Provide for climate change study and action plan
<i>Neutral</i>	<i>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>1/21/21 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>1/22/21 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>1/22/21 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>1/22/21 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>1/22/21 Referred to Transportation and Telecommunications Committee, 3/1/21 Hearing held</i>

2021 Carryover legislation

LB & Current Status	Summary
LB 573 Bostar	Change the definition of qualified facility for purposes of net metering
<i>Neutral</i>	<i>1/22/21 Referred to Natural Resources Committee, 2/10/21 Hearing held</i>
LB 619 Sanders	Change excavation requirements under the One-Call Notification System Act
<i>Neutral</i>	<i>1/22/21 Referred to Transportation and Telecommunication Committee, 2/1/21 Hearing held</i>
LB 683 Wayne	Change provisions relating to net metering
<i>Oppose</i>	<i>1/22/21 Referred to Natural Resources Committee, 2/10/21 Hearing held</i>

Federal Legislative Update



Federal Update

- Budget reconciliation package.
 - House passed the Build Back Better bill (reconciliation package) on November 19th.
 - Senate negotiations have stalled at this time.
 - Support for most of the climate provisions including the extension and broadening of the ITC and PTC.
- Voting rights and potential changes to Filibuster rule dominating the time in the Senate currently.
- OPPD tracking potential funding opportunities available to public power utilities from the Infrastructure Investment and Jobs Act.
- 9,913 bills introduced in the 117th Congress as of January 14th.