



Government Affairs Update

April 18, 2023

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2023 Nebraska Legislative Calendar

Nebraska's 108th Legislature, First Session

- 90-day session
- January 4 – First day of session
- January 18 – Last day of bill introduction
- January 23 – Public hearings began
- January 30 – Morning and afternoon public hearings
- February 13 – Floor debate begins
- March 9 – Last day to request speaker priority bill
- March 14 – Last day for designation of committee and speaker priority
- March 15 – Announcement of speaker priority bills
- March 24 – Last day of public hearings
- March 28 – Full day of floor debate
- March 28 – June 1 - Late night sessions
- June 9th – Sine Die

2023 OPPD Legislative Bills

These issues have been brought to the forefront to have OPPD take a leading role to champion. We view this process as a 2-year journey. Three senators introduced these bills on OPPD's behalf.

- **Broadband LB61 (Brandt)**– Seek to repeal the dark fiber statutes to help expand broadband coverage across the state. This could also incorporate a repeal of the challenge of safe harbor rates under LB992. Hearing held February 21. Placed on General File on March 22. Senator Brandt priority bill.
- **Critical/essential utility workers LB267 (Brewer)** - seek to have defined as emergency personnel in declared emergencies in order to protect our communities while ensuring continuity of functions critical to public health and safety. Hearing was held and bill was advanced out of committee and Placed on General File on February 16. Business and Labor priority bill.
- **Weatherization funding LB237 (Wayne)**– seek state funding for weatherization efforts to upgrade more homes in order to lower utility bills permanently. Hearing held March 13.

Support - Recommendation

Bill & Current Status	Summary
LB 169 Hunt	Prohibit discrimination based upon sexual orientation and gender identity
<i>Support</i>	1/11/23 Referred to Judiciary Committee, 3/1/23 Hearing held
LB 560 Blood	State intent to seek federal funds under the Inflation Reduction Act of 2022
<i>Support</i>	1/11/23 Referred to Appropriations Committee, 3/6/23 Hearing held
LB 568 Bostelman	Adopt the Nuclear and Hydrogen Development Act
<i>Support</i>	1/19/23 Referred to Natural Resources Committee, 2/16/23 Hearing held
LB 616 McDonnell	Provide for awards under the Imagine Nebraska Act relating to the federal Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act
<i>Support</i>	1/19/23 Referred to Revenue Committee, 3/2/23 Hearing held, 4/6/23 Placed on General File with AM645
LB 617 McDonnell	Create the Economic Development Cash Fund to award a grant relating to the federal Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act
<i>Support</i>	1/19/23 Referred to Banking, Commerce and Insurance Committee, 1/31/23 Hearing held, 3/9/23 Placed on General File, Senator McDonnell priority bill

Support - Recommendation

Bill & Current Status	Summary
LB 670 Hunt	Prohibit discrimination under the Nebraska Fair Employment Practice Act on the basis of gender identity or sexual orientation and prohibit discrimination by employers regardless of size
<i>Support</i>	1/20/23 Referred to Business and Labor Committee, 2/13/23 Hearing held
LB 734 Bostar	Provide an enhanced penalty for damage to certain infrastructure facilities resulting in serious bodily injury or death
<i>Support</i>	1/20/23 Referred to Judiciary Committee, 3/24/23 Hearing held
LB 787 Wayne	Adopt the STEEM Development Act
<i>Support</i>	1/20/23 Referred to Education Committee, 1/31/23 Hearing held, 2/28/23 Placed on General File
LR 21 Brewer	Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee
<i>Support</i>	1/17/23 Referred to Executive Board, 2/24/23 Hearing held, 3/13/23 Executive Board AM478 filed

Oppose - Recommendation

Bill & Current Status	Summary
LB 7 Blood	Provide a statute of limitations for exposure to hazardous or toxic chemicals
<i>Oppose</i>	1/9/23 Referred to Judiciary Committee, 1/25/23 Hearing held
LB 25 Wayne	Authorize punitive damages as prescribed and provide for distribution
<i>Oppose</i>	1/9/23 Referred to Judiciary Committee, 1/25/23 Hearing held, 2/28/23 Placed on General File with AM440
LB 255 Brewer	Change eminent domain and renewable energy generation provisions relating to certain power suppliers
<i>Oppose</i>	1/12/23 Referred to Natural Resources Committee, 2/22/23 Hearing held
LB 304 Linehan	Require political subdivisions to disclose membership dues and lobbying fees
<i>Oppose</i>	1/13/23 Referred to Government, Military and Veterans Affairs Committee, 2/9/23 Hearing held
LB 394 Erdman	Change provisions relating to the determination of damages as a result of eminent domain
<i>Oppose</i>	1/17/23 Referred to Judiciary Committee, 2/23/23 Hearing held

Oppose - Recommendation

Bill & Current Status	Summary
LB 399 Brewer	Change provisions relating to privately developed renewable energy generation facilities and other electric generation facilities
<i>Oppose</i>	1/17/23 Referred to Natural Resources Committee, 2/22/23 Hearing held
LB 637 Albrecht	Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act
<i>Oppose</i>	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 2/24/23 Hearing held, 3/22/23 Placed on General File

Review & Awareness

Bill & Current Status	Summary
LB 120 Bostelman	Eliminate obsolete provisions relating to a Nebraska Power Review Board study
	1/10/23 Referred to Natural Resources Committee, 2/16/23 Hearing held
LB 122 Bostelman	Change provisions relating to the One-Call Notification System Act
<i>Neutral</i>	Amendment in development, 1/10/23 Referred to Transportation and Telecommunications Committee, 1/31/23 Hearing held, 3/22/23 Placed on General File with AM647
LB 209 Bostar	Provide tax exemptions relating to data centers
	1/12/23 Referred to Revenue Committee, 3/1/23 Hearing held
LB 450 Brewer	Prohibit land disposal of wind turbine blades and their component parts
	From last session, monitor/neutral recommendation, 1/18/23 Referred to Natural Resources Committee, 2/8/23 Hearing held, 3/6/23 Placed on General File
LB 505 Bostar	Provide for motor vehicle registration of plug-in hybrid electric vehicles, impose an excise tax on electric energy used at commercial electric vehicle charging stations, provide for regulation of commercial electric vehicle charging stations, and provide a sales tax exemption for certain electric energy
	OPPD, prefer as drafted/introduced. Amendments in development, 1/19/23 Referred to Revenue Committee, 3/8/23 Hearing held
LB 541 Lowe	Provide for nomination and election of public power district and public power and irrigation district directors on the partisan ballot
	1/19/23 Referred to Government, Military and Veterans Affairs Committee, 3/15/23 Hearing held

Review & Awareness

Bill & Current Status	Summary
LB 565 Bostelman	Provide a grant program related to hydrogen hub designations
	1/19/23 Referred to Natural Resources Committee, 2/1/23 hearing held, 3/3/23 Natural Resources priority bill, 3/15/23 Placed on General File with AM827,
LB 566 Bostelman	Require a study and report by the Natural Resources Committee of the Legislature regarding intermittent renewable energy generation
<i>Monitor</i>	1/19/23 Referred to Executive Board, 2/24/23 Hearing held, 3/21/23 Placed on General File
LB 567 Bostelman	Change provisions relating to public power and irrigation districts and electric suppliers
<i>Monitor</i>	1/19/23 Referred to Natural Resources Committee, 2/2/23 Hearing held
LB 569 Bostelman	Prohibit financial interests by certain county officers and family members in electric generation facilities
	1/19/23 Referred to Government, Military and Veterans Affairs Committee, 2/15/23 Hearing held
LB 621 McDonnell	Change provisions relating to the Site and Building Development Act
	1/19/23 Referred to Banking, Commerce and Insurance Committee, 1/30/23 Hearing held
LB 636 Albrecht	Prohibit political subdivisions from restricting certain energy services
	1/20/23 Referred to Natural Resources Committee, 2/8/23 Hearing held, 3/6/23 Placed on General File

Review & Awareness

Bill & Current Status	Summary
LB 644 McDonnell	Change provisions relating to the use of the Site and Building Development Fund
	\$80M, 1/20/23 Referred to Banking, Commerce and Insurance Committee, 1/30/23 Hearing held, 3/9/23 Placed on General File, 3/14/23 Senator Jacobsen priority bill
LB 650 McDonnell	Allow certain cybersecurity records to be withheld from the public
	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 3/2/23 Hearing held, 3/7/23 Placed on General File
LB 651 McDonnell	Provide for appropriations relating to cybersecurity improvements for state agencies and political subdivisions
	1/20/23 Referred to Appropriations Committee, 3/16/23 Hearing held
LB 733 Bostar	Adopt the Broadband Pole Placement and Undergrounding Fund Act
	1/20/23 Referred to Transportation and Telecommunications Committee, 2/21/23 Hearing held
LB 768 DeKay	Transfer money from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund
	1/20/23 Referred to Appropriations Committee, 3/14/23 Hearing held, Senator DeKay priority bill
LB 776 Bostar	Provide for nomination and election of candidates on the nonpartisan ballot
	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 3/2/23 Hearing held



Local Update



Cass County Solar Update

- Update from Cass County Commissioners' meeting on April 11:
 - Heard amendments to county zoning ordinances including solar setback provisions
 - 5 to 0 vote: change commercial solar and wind application fees from \$3k to \$5k;
 - 5 to 0 vote: include commercial solar as a permitted (P) use in a Commercial Ag district;
 - 2 to 3 vote: remove commercial solar as a conditional use (C) in the Trans Ag district. FAILED.;
 - 5 to 0 vote: notify residents within a ½ mile of proposed CUP application and all registered airports within 10 miles.
- Next Meeting: April 25.
 - Final vote/adoption of all amendments made to comprehensive zoning ordinances (including solar amendments). No discussion. Vote only.

Power with Purpose

Otoe County

- On April 11, OPPD CEO Javier Fernandez provided the Otoe County Commissioners an update on PF 2050, Power with Purpose as well as economic development specific to Otoe County.

Saunders County

- Platteview Solar developer AES continues to engage the Saunders County Board of Supervisors with updates as work progresses this spring.

OPPD Service Territory Visits

Since March 1:

- City of Valley, Syracuse, Palmyra, Bennet
- Village of North Bend, Unadilla, Greenwood, Dunbar
- Multiple Commissioners & Planners at Nebraska Planning Zoning Association Annual Conference
- Cass, Otoe, & Colfax County Commissioners
- Cass County Planning & Zoning

- MAPA Regional Planning Advisory Committee
- Sarpy County Chamber Local Governance

Upcoming Visits:

- Burt County NEW Economic Development Director
- Washington County NEW Chamber of Commerce Executive Director



Federal Update



Federal Update

- H.R. 1, the Lower Energy Costs Act, passed the House on March 30th by a 225-204 vote.
 - The bill, sponsored by the House majority, is a collection of previously introduced legislation from the energy, natural resources and infrastructure sectors.
 - Senate Majority Leader called H.R. 1 “dead on arrival” in the Senate, but plans to work with Republicans on permitting reform. Hearings are expected to be held this month in EPW & ENR committees.
 - Permitting reform language in H.R. 1 has received positive feedback from several energy related organizations including ACP, CCL, APPA and LPPC.
- 2023 Farm Bill reauthorization.
 - The 2018 Farm Bill, officially entitled the Agriculture Improvement Act, expires Sept. 30th. Public Power is eligible for several rural energy programs contained within the Farm Bill including the Rural Energy for America Program and Rural Energy Savings Program
 - IRA has added additional and new funding for several programs targeting battery storage, clean energy, and broadband development projects.
- 3,718 bills introduced in the 118th Congress as of April 13th.