



# Government Affairs Update

## March 14, 2023

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

# 2023 Nebraska Legislative Calendar

Nebraska's 108<sup>th</sup> 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
- April 11 – June 2 – Possible late night sessions
- June 9<sup>th</sup> – 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 will 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.
- **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.
- **Weatherization funding LB237 (Wayne)**– seek state funding for weatherization efforts to upgrade more homes in order to lower utility bills permanently. Hearing scheduled for 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
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

# 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 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

# 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
LB 122 Bostelman	Change provisions relating to the One-Call Notification System Act
<i>Oppose</i>	Amendment in development, 1/10/23 Referred to Transportation and Telecommunications Committee, 1/31/23 Hearing held
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

# Oppose - Recommendation

Bill & Current Status	Summary
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
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

# Review & Awareness

Bill & Current Status	Summary
LB 120 Bostelman	Eliminate obsolete provisions relating to a Nebraska Power Review Board study
<i>Monitor</i>	1/10/23 Referred to Natural Resources Committee, 2/16/23 Hearing held
LB 209 Bostar	Provide tax exemptions relating to data centers
<i>Monitor</i>	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
<i>Monitor</i>	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
<i>Monitor</i>	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
<i>Monitor</i>	1/19/23 Referred to Government, Military and Veterans Affairs Committee, 3/15/23 Hearing scheduled
LB 565 Bostelman	Provide a grant program related to hydrogen hub designations
<i>Monitor</i>	1/19/23 Referred to Natural Resources Committee, 2/1/23 hearing held, 3/3/23 Committee Priority, 3/3/23 Natural Resources priority bill



# Review & Awareness

Bill & Current Status	Summary
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
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
<i>Monitor</i>	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
<i>Monitor</i>	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
<i>Monitor</i>	1/20/23 Referred to Natural Resources Committee, 2/8/23 Hearing held, 3/6/23 Placed on General File
LB 644 McDonnell	Change provisions relating to the use of the Site and Building Development Fund
<i>Support</i>	\$80M, 1/20/23 Referred to Banking, Commerce and Insurance Committee, 1/30/23 Hearing held, 3/9/23 Placed on General File

# Review & Awareness

Bill & Current Status	Summary
LB 650 McDonnell	Allow certain cybersecurity records to be withheld from the public
<i>Monitor</i>	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
<i>Monitor</i>	1/20/23 Referred to Appropriations Committee, 3/16/23 Hearing scheduled
LB 733 Bostar	Adopt the Broadband Pole Placement and Undergrounding Fund Act
<i>Monitor</i>	1/20/23 Referred to Transportation and Telecommunications Committee, 2/21/23 Hearing held
LB 734 Bostar	Provide an enhanced penalty for damage to certain infrastructure facilities resulting in serious bodily injury or death
<i>Monitor</i>	1/20/23 Referred to Judiciary Committee, 3/8/23 Hearing held
LB 768 DeKay	Transfer money from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund
<i>Monitor</i>	1/20/23 Referred to Appropriations Committee, 3/14/23 Hearing scheduled, 3/9/23 DeKay priority bill
LB 776 Bostar	Provide for nomination and election of candidates on the nonpartisan ballot
<i>Monitor</i>	1/20/23 Referred to Government, Military and Veterans Affairs Committee, 3/2/23 Hearing held



# Local Update



# Cass County Solar Update

- The Cass County Commissioners will hold a special meeting
  - March 14, 6pm, Cass County Fairgrounds
  - Public hearing will allow testifiers 3 minutes each to provide testimony on comprehensive amendments to regulations
  - Most of the hearing will focus on solar setbacks in Ag and Trans Ag zoning districts
  - OPPD will attend. VP Underwood will provide support testimony for reasonable countywide regulations.

# Platteview Solar Update

## Saunders County

- On March 14, the AES, Blue Ridge and OPPD construction team leads will appear before the Saunders County Supervisors for formal introductions.
- Company contracting requests continue to come in to AES from the business fair held on February 22 in Yutan.

# OPPD Service Territory Visits Since February 7

- **Since February 7:**
- Pawnee County Commissioners
- Sarpy County Commissioners
- Springfield City Council
- Cass County Commissioners
- Saunders County Supervisors
- Johnson County Commissioners
- City of Valley
- Various Commissioners & Planners at Nebraska Planning Zoning Association Annual Conference
- **Upcoming Visits:**
- Valley Waterloo Business Association Annual Meeting, March 13
- Colfax County Commissioners, March 14
- Village of North Bend, March 14
- Cass County Commissioners, March 14
- Saunders County Supervisors, March 14 (Construction team introductions)
- Syracuse, March 20
- Bennet, March 20 (Arbor Line Issues)

# Public Officials' Orientation to OPPD

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- First annual public officials' orientation to OPPD Webex presentation (live & recorded) on March 15
- Will cover:
  - When to contact OPPD
  - Community services available to public officials
  - Everbridge for public officials
  - Monthly government affairs newsletter
- In-jurisdiction visits



# Federal Update





# Federal update

- OPPD attended APPA's Legislative Rally February 26<sup>th</sup> – March 1<sup>st</sup>.
  - IRA implementation, permitting reform, 2023 Farm Bill, benefits of public power, and supply chain issues in regards to transformer availability were top issues discussed during the rally and directly with Nebraska's Federal delegation.
  - Government Affairs team met with each member of the Nebraska Federal delegation, along with other Congressmen, APPA staff, and other public power utility members to discuss challenges and opportunities facing public power this year.