



2023 CARRYOVER LEGISLATION IMPACTING LES

LEGISLATIVE BILL	STATUS OF LEGISLATION	SUMMARY OF LEGISLATION	LES POSITION
LB 49	Judiciary Committee	(Dungan) Changes provisions relating to solar energy and wind energy, declares certain instruments void and unenforceable, and provides for a civil cause of action. LB 49 permits counties and municipalities to consider a “right to direct sunlight” in its zoning regulations to encourage solar or wind energy. It also proposes to prohibit any deed or ownership document or homeowners’ association covenant from forbidding or restricting the installation of a solar energy system.	Monitor
LB 57	Business & Labor Committee	(M. Cavanaugh) Adopts the Paid Family and Medical Leave Insurance Act. It creates an insurance program to provide partial wage replacement for eligible employees to care for themselves or a family member following a serious illness or to care for a new child through birth, foster care, or adoption. Leave can also be used for military needs. The program is financed through employer contributions to the program, but an employer may also satisfy the requirements through an employer-provided insurance plan.	Monitor/Confer with the City
LB 61	Transportation Committee Sen. Brandt Priority Bill Approved by Governor	(Brandt) Authorizes the leasing of dark fiber and eliminates certain powers of the Public Service Commission. LB 61 was introduced at the request of OPPD and is intended to facilitate broadband development by amending statutory provisions regarding the lease, sale or license of dark fiber to eliminate provisions that have been a barrier to dark fiber leases. The goal of LB 61 is to promote effective public-private partnerships between communications providers and public power entities that own fiber infrastructure.	Monitor
LB 79	Revenue Committee	(Erdman) Adopt the Nebraska EPIC Option Consumption Tax Act. EPIC stands for the elimination of property, income, and corporate taxes. LB 79 would repeal state income, sales, inheritance, and property taxes and replace them with a consumption tax.	Monitor
LB 120	Natural Resources Committee Amended into LB 1370 Approved by Governor	(Bostelman) Eliminates obsolete provisions from 2014 requiring a transmission study that was completed by the Nebraska Power Review Board and its consultant, the Brattle Group, in 2014. LES supports repeal of these outdated statutes. 2024 Update: The committee held a hearing in February 2024 on an amendment that would strike the original bill and replace it with an amendment requiring that certain information be provided to the PRB if generation or transmission is constructed within 10 miles of a military installation. The bill was then amended into LB 1370, one of the committee packages. The committee amendment clarifies that military installation does not include National Guard bases so LES would not be covered by the provisions.	Monitor



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LB 133	Government Committee	(J. Cavanaugh) Provides that entities exercising the power of eminent domain are subject to the Open Meetings Act. As a public entity, LES is already required to comply with the Open Meetings Act, but the bill will be monitored for any other amendments that may impact eminent domain authority.	Monitor
LB 134	Transportation Committee	(J. Cavanaugh) Amends the Small Wireless Facilities Deployment Act to require an authority (e.g., city) to provide reasonable notification to adjacent property owners prior to installation of a small wireless facility or installation of any new or modified pole to accommodate a small wireless facility. This bill appears to be in response to a situation in Omaha where a wireless provider installed a new pole literally in the middle of a public sidewalk restricting pedestrian traffic. LES agrees with the requirement to provide notice but would prefer to see responsibility placed on the wireless providers rather than the authority. We will discuss this matter with Sen. Cavanaugh.	Support/Confer with the City
LB 161	Business & Labor Committee	(McDonnell) Amends the Workplace Privacy Act to prohibit employers from requiring employees to wear a communication device that tracks their physical location, travel patterns, or contacts with other employees, except in a state of emergency declared by the Governor. LES does not require this of its employees, but we will monitor the bill for any other amendments.	Monitor/Confer with the City
LB 164	Urban Affairs Committee Committee Priority Bill Approved by Governor	(McKinney) Adopts updates to building and energy codes to align with the 2021 edition of the International Building Code, International Residential Code, and International Energy Conservation Code. These changes are on the customer side of the meter, but we will monitor for general awareness.	Monitor/Confer with the City
LB 169	Judiciary Committee	(Hunt) Prohibits discrimination based upon sexual orientation and gender identity. LES policies already prohibit discrimination based upon sexual orientation and gender identity, but the bill will be monitored for any amendments that may exceed LES policies.	Monitor/Confer with the City
LB 172	Urban Affairs Committee	(Bostar) Updates the Nebraska State Electrical Code to align with the minimum standards set forth in the 2023 National Electrical Code. These changes do not impact LES, but we will monitor for general awareness.	Monitor/Confer with the City
LB 205	Government Committee	(von Gillern) Adopts the Government Neutrality in Contracting Act to prohibit political subdivisions from, among other things, issuing RFPs or bid specifications that include language that requires, prohibits, encourages, or discourages bidders for public contracts from entering into or adhering to a collective bargaining agreement.	Monitor/Confer with the City



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LB 209	Revenue Committee	(Bostar) Provides tax exemption relating to data centers. LB 209 provides personal property tax exemption and a sales and use tax exemption for computers and related equipment used in the operation or maintenance of a data center, including servers, temperature control infrastructure, and electrical power infrastructure. LB 209 also exempts the electricity used by the data center from sales and use taxes. The sales and use tax exemption has no impact to LES, but it would result in less tax revenue for the State and also the City. The Chamber of Commerce supports the bill.	Monitor/Confer with the City
LB 237	Appropriations Committee	(Wayne) Appropriates \$1 million in FY 2023-24 and \$1 million in FY 2024-25 to the Department of Environment and Energy for the Low-Income Weatherization Assistance Program to aid in carrying out energy efficiency audits and weatherization improvements.	Support
LB 255	Natural Resources Committee	(Brewer) LB 255 prohibits LES, NPPD, and OPPD from exercising the power of eminent domain to acquire property to construct or operate a wind or solar generation facility. LES opposes any efforts to erode eminent domain authority. LES's preference is always to work with property owners to negotiate a mutually acceptable purchase, but eminent domain is sometimes a necessary tool to fulfill a public purpose. If LB 255 passes, the result will likely be significant increases in property acquisition as property owners would be free to command a much higher purchase price without the fear of condemnation. The price could be significant depending on the type of facility and the size of the facility (megawatt production), including the geographic footprint of property necessary which could range from tens to hundreds of acres per facility site. LB 255 also amends other provisions related to special generation applications, which would not impact LES. An amendment was offered to expand the scope of the bill to restrict the use of eminent domain by a City of the Primary Class outside of LES' service territory. Additionally, the amendment sought to prohibit an electric utility from applying to the PRB for a generation facility or project, if by the power of eminent domain (1) includes more than 50 acres of real property in fee simple or (2) is located outside of the applicant's own service area. The bill and amendment remain in the Natural Resources Committee.	Oppose



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LB 297	Government Committee Amended into LB 43 Approved by Governor	(Sanders) Adopts the Personal Privacy Protection Act which seems to amend the Administrative Procedure Act. LB 297 prohibits the State or any political subdivision from requesting or disclosing personal information which is defined to mean any list, registry or other information that identifies a person as a member, support, volunteer of, or donor to any nonprofit organization certified as a 501(c) entity under the Internal Revenue Code. An amendment offered by the Government Committee adds a maximum of \$2,500 liquidated damages per violation, and appropriate preliminary, equitable, or declaratory relief.	Monitor
LB 304	Government Committee Approved by Governor	(Linehan) Requires each political subdivision to disclose on its website membership dues paid annually to any association or organization, including the amount of dues paid. It also requires disclosure of fees paid to any individual lobbyist or lobbying firm or such association other than those that may be included in the membership dues. It is unclear what problem or concern LB 304 seeks to address. While LES supports transparency and would provide this information upon request, LES does not see a purpose to be served in merely adding more information to its website. LES works to provide information on its website that is of greatest importance or use to LES customers and to make that information easy to locate. That said, LES is happy to make the information available to any member of the public upon request	Oppose/Confer with the City
LB 367	Business & Labor Committee	(Conrad) Adopts the Fair Chance Hiring Act to prohibit employers and employment agencies from asking an applicant to disclose information concerning the applicant's criminal record or history until after the applicant has received a conditional offer of employment from the employer. This provision would not apply if a criminal history is otherwise required by state or federal law. This seems to be consistent with LES hiring practices.	Monitor/Confer with the City
LB 394	Judiciary Committee	(Erdman) Changes provisions relating to eminent domain to require that for agricultural land only the damages shall be two times the fair market value of the condemned property and severance damages shall include the replacement cost of dwellings, garages, sheds, barns, wells, septic systems, fences, and other permanent structures.	Oppose



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LB 399	Natural Resources Committee Sen. Bostelman Priority Bill Approved by Governor	<p>(Brewer) Changes provisions relating to privately developed renewable energy generation facilities (PDREGF) to require Nebraska Power Review Board (NPRB) approval of such facilities. Under current law PDREGF are only required to certify to the NPRB that they have complied with the requirements of the statute, such as providing a decommissioning plan and certifying that the applicant has a joint transmission development agreement and has consulted with Game and Parks to address and impacts to species. LB 399 would require a hearing before the NPRB and subsequent approval. The application would be approved if the NPRB finds that the requirements have been met and that the application is “not outweighed by any testimony or evidence in opposition to the application offered by power suppliers, other interested parties, or members of the public.” This language is overly broad and vague. While this provision does not apply to the generation applications made by public power entities, this standard could set a precedent for changes in the public power approval criteria.</p> <p>2024 Update: There has been considerable discussion about LB 399 over the interim and during the 2024 legislative session and multiple drafts of amendments. The committee amendment provides that if either a public power supplier or private renewable energy developer proposes to build a new generation facility, they must hold a public meeting in the county where the facility will be located and provide an opportunity for ratepayers or property owners to provide input regarding the project. In addition, at least 50% of the governing body must attend the meeting, though only one is required to be physically present. Others may participate virtually. In addition, the committee amendment limits private developers to having a power purchase agreement with a Nebraska public power utility.</p>	Oppose as introduced/Neutral on committee amendment
LB 408	Government Committee	<p>(M. Cavanaugh) Changes provisions relating to conflicts of interest under the Nebraska Political Accountability and Disclosure Act. It requires members of nonelective government bodies to file a conflict-of-interest statement if the member is required to take action or make a decision in the discharge of their official duties that may cause financial benefit or detriment to the member or the member’s immediate family or business. This provision is consistent with existing conflict of interest provisions in the Lincoln Municipal Code so there is no impact to LES board members.</p>	Monitor/Confer with the City
LB 450	Natural Resources Committee	<p>(Brewer) Prohibits land disposal of wind turbine blades and their component parts. While LES has power purchase agreements with several wind projects, LES only owns two wind turbines. The matter of disposing of wind turbine blades is a continuing challenge nationwide and there is ongoing research and development regarding new technologies to deal with blade disposal.</p>	Monitor



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LB 496	Revenue Committee	(Linehan) LB 496 provides a sales and use tax exemption on the gross receipts from the sale, lease, rental, and storage of business inputs. A business input is defined as a product or service purchased by a business entity from a retailer which is used in the regular production of a product or the provision of a service, and the cost of which is passed on to the customer and the customer is the ultimate consumer of such product or service. We will monitor until we learn more about the intent of the legislation.	Monitor/Confer with the City
LB 513	Government Committee Amended into LB 287 Approved by Governor	(Brewer) Changes proof of publication requirements for legal notices and requirements for published notice and virtual conferencing under the Open Meetings Act. It allows for alternatives for public posting of meeting agendas if there is no newspaper of general circulation within the public body's jurisdiction. The bill does not impact LES, but will be monitored for amendments.	Monitor
LB 541	Government Committee	(Lowe) Provides for nomination and election of public power district and public power and irrigation district directors on the partisan ballot. The bill does not directly impact LES, but will be monitored as it relates to the public power industry in Nebraska.	Monitor
LB 560	Appropriations Committee	(Blood) States the intent of the Legislature to seek all federal funds available through the Inflation Reduction Act of 2022 for the purposes of energy efficiency in homes and businesses, electric vehicle infrastructure, upgrading utility infrastructure, assisting the transition to cleaner energy, supporting drought-resistant agricultural practices, and creating jobs.	Support
LB 566	Executive Board	(Bostelman) Provides \$30,000 for a study of, among other things, intermittent renewable energy generation including an analysis of the short-term and long-term costs and economic risks of replacing baseload generation with intermittent renewable generation. The study would be conducted by the Natural Resources Committee who could contract with an outside consultant subject to approval by the Executive Board. The study is to be completed by November 15, 2023. LES is opposed to LB 566 as drafted because it frames a study with a bias. It seeks to evaluate the impacts of intermittent generation and the benefits of coal, hydrogen and nuclear. A study of generation should be framed as an objective evaluation of all generation resources.	Oppose
LB 569	Government Committee Approved by Governor	(Bostelman) LB 569 would prohibit a member of a county board or county planning commission, or a member of his or her immediate family, from having a financial interest in any entity that is involved in the development, construction, management, or operation of an electric generation facility or owns or leases property relating to a electric generation facility.	Monitor/Confer with the City



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LB 636	Natural Resources Committee	(Albrecht) Prohibits political subdivisions from enacting ordinances or implementing any resolution, regulation, or policy that restricts or prohibits the sale, use, or supply of natural gas or propane. The bill does not impact LES, but it will be monitored for any amendments that may expand the scope to other types of energy.	Monitor/Confer with the City
LB 637	Government Committee Amended into LB 43 Approved by Governor	(Albrecht) Requires members of the public to be allowed to speak at each meeting subject to the Open Meetings Act. Current law does not require public comment at every open meeting. LES currently allows for public comment at each monthly board meeting.	Monitor/Confer with the City
LB 644	Banking Committee Approved by Governor	(McDonnell) Transfers \$80 million to the Site and Building Development Fund to support the identification, evaluation, and development of sites to attract advanced manufacturing, processing, trade, technology, aerospace, automotive, clean energy, life science and other transformational industries to Nebraska.	Support/Confer with the City
LB 650	Government Committee Amended into LB 43 Approved by Governor	(McDonnell) Amends the public records statutes to provide that certain cybersecurity records may be lawfully withheld from the public. A few years ago LES successfully secured similar legislation for critical energy infrastructure information. The provisions of LB 650 would also apply to LES and would provide additional protections for cybersecurity records.	Support/Confer with the City
LB 670	Business & Labor Committee	(Hunt) Prohibits 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. As stated previously, this bill is consistent with existing LES employment policies.	Monitor/Confer with the City
LB 725	Natural Resources Committee	(Dungan) LB 725 was introduced to prohibit electric companies and electric cooperative corporations from using ratepayer funds for campaign/election purposes. LES does not contribute ratepayer funds to election campaigns as such contributions are already prohibited. However, the bill is drafted in a manner that poses unintentional consequences. The bill defines ratepayer proceeds to mean any money, funds, compensation, or property received from a ratepayer. It then goes on to prohibit a 'recipient of ratepayer proceeds' from contributing such proceeds to an election. Technically the bill could prohibit any utility employee, for example, from even contributing to a campaign in their individual capacity. This is likely an unintended consequence. LES will work with Sen. Dungan for an amendment to clarify this language. With clarification, LES would be neutral on the bill.	Monitor/Confer with the City/ Seek Amendments



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LB 726	Natural Resources Committee	(Dungan) Adopts the Nebraska Electric Consumer Rights to Transparency and Local Control Act which would require LES to publish on its website the following: (1) Board meeting dates, times, locations, and agendas 10 days before the meeting; (2) Board meeting minutes 10 days after the date of the meeting; (3) current rate schedules, fees, rents, and other charges made or levied by the Board; (4) a full and complete list of the receipts and disbursements; (5) fiscal year budget; (6) list of all Board Members currently serving; (7) a method by which to contact Board Members; and (8) a method by which to contact LES staff. Much of this information is already available on LES' website and is subject to request under the public records laws. Some of the items are overly broad and could be an administrative burden to maintain, such as providing all receipts and disbursements. It is simply unclear what problem LB 726 seeks to address.	Oppose/Confer with the City
LB 733	Transportation Committee	(Bostar) Adopts the Broadband Pole Placement and Undergrounding Fund Act to provide funds for telecom providers to seek reimbursement for pole replacement costs they incur when installing broadband services in unserved areas. The bill does not directly impact LES as the Lincoln area would not be deemed an unserved area, but we will continue to monitor the bill for any amendments that would expand the scope.	Monitor/Confer with the City
LB 734	Judiciary Committee	(Bostar) Provides an enhanced Class II felony for damage to certain infrastructure facilities that are a significant factor contributing to the death or serious bodily injury of another person. This bill was introduced in response to the recent shooting attacks on several substations across the country. While LES supports punishment for perpetrators of attacks on electric infrastructure, the bill is unlikely to deter such activity.	Support/Confer with the City
LB 743	Banking Committee	(Kauth) LB 743 adopts the Investment Neutrality in Public Funds Act. The intent of the bill is to prohibit governing bodies of political subdivisions from making or supervising investment actions that in any way further social, political, or ideological interests. The bill defines fiduciary at the "governing body of a political subdivision acting as an investment manager or proxy advisor" which arguably does not apply to LES. Nonetheless LES opposes the bill as an attempt to erode local control.	Oppose/Confer with the City
LB 768	Appropriations Committee	(DeKay) Transfer money from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund. The bill does not further identify the purpose for the funding. Staff will contact Senator DeKay to learn more about the purpose for the funds. Provisions of LB 768 were amended into LB 814 and LB 818, which have been passed.	Monitor



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LR 21	Executive Board	(Brewer) Provide for a special committee of the Legislature to be known as the Small Modular Nuclear Reactor Study Committee. There are no funds yet identified for the committee. LES is supportive of continued discussion and evaluation regarding the feasibility of advanced nuclear technologies in Nebraska.	Support
LR 133	Natural Resources Committee	(Bostelman) Interim study to examine issues under the jurisdiction of the Natural Resources Committee.	Monitor
LR 178	Executive Board	(Brewer) Interim study to examine the feasibility of constructing and operating small modular nuclear reactors to generate electric power in Nebraska.	Monitor
LR 184	Transportation Committee	(Moser) Interim study to examine the deployment of broadband services within the State of Nebraska.	Monitor
LR 185	Transportation Committee	(Moser) Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee.	Monitor
LR 216	Natural Resources Committee	(Dungan) Interim Study to examine the economic and climate impacts of the current reliance on fossil fuel energy generation in Nebraska.	Monitor
LR 242	Revenue Committee	(Jacobson) Interim study to examine methods to promote the development of a competitive electric vehicle charging market in Nebraska and the creation of electric infrastructure to support such market.	Monitor
LR 247	Government Committee	(J. Cavanaugh) Interim study to examine issues raised in LB 133, 2023, relating to laws regarding the use of eminent domain by state agencies, boards, commissions, and other political subdivisions.	Monitor
LR 248	Natural Resources Committee	(J. Cavanaugh) Interim study to survey Nebraska's small public utilities, municipalities, and cooperatives in a comprehensive manner, which consolidates information relating to rate classifications and equipment.	Monitor



2024 NEW LEGISLATION IMPACTING LES

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LB 866	Natural Resources Committee Amended into LB 867 Committee Priority Bill Approved by Governor	(Bostelman) LB 866 was introduced at the request of the Nebraska Power Review Board (NPRB). The primary objective of the bill is to promote better continuity for the NPRB representation on the SPP Regional State Committee. The key provisions of the bill include: 1) removing the requirement to have an accountant on the board; 2) permitting at least one NPRB member to be any individual who previously worked as a director, officer, or employee of any electric utility within the four years preceding the member’s appointment to serve on the NPRB, provided the member refrains from voting or engaging on any proceedings involving their utility for a period of four years; 3) increasing NPRB terms from two to three consecutive four-year terms; and 4) increasing the member per diem from \$60 to \$100. The public power industry supports LB 866. Update: LB 866 has been amended into LB 867 which is a package of six bills and a Natural Resources Committee priority bill.	Support
LB 951	Government, Military and Veterans Affairs Committee Hearing February 15, 2024	(Linehan) Adopts the Public Officials on Private Boards Open Meetings Act to require that meetings of the governing boards of private entities comply with the Nebraska Open Meetings Act when the board is comprised of a majority of public officials. This bill does not directly impact LES, but will be monitored for any amendments that may impact LES.	Monitor
LB 956	Natural Resources Committee Amended into LB 1370 Approved by Governor	(Bostar, Brewer) LB 956 requires that light-mitigating technology be installed on any new wind energy conversion system or whenever an existing wind energy conversion system is repowered on or after July 1, 2025. The technology is designed to be activated when aircraft is near to mitigate the continuous strobe effect on property owners. Update: LB 956 was amended into LB 1370 which is a package of five bills and a Natural Resources Committee priority bill.	Support
LB 977	Judiciary Committee Hearing January 26, 2024	(Blood) LB 977 would prohibit discrimination on the basis of military or veteran status.	Support/Confer with the City
LB 991	Banking, Commerce and Insurance Committee General File	(Bostar) Adopts the Blockchain Basics Act. The intent is to prohibit political subdivisions from enacting zoning and other requirements that treat digital cryptomining differently than data centers.	Oppose as introduced/Confer with the City
LB 1018	Government, Military and Veterans Affairs Committee Hearing February 2, 2024	(Holdcroft, et al.) LB 1018 provides that a public employer, such as LES, may not require than a job applicant possess a postsecondary degree, provided the applicant has qualifying career and life skills. It does not apply to collegiate positions, judges, or positions for which a degree is required by state or federal law.	Oppose/Confer with the City



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LB 1033	Transportation and Telecommunications Committee Hearing January 23, 2024	(Lippincott, et al.) Provides for enforcement of the prohibition against using a handheld wireless communication device while operating a motor vehicle as a primary action. Current law provides it can only be enforced as a secondary action to some other offense. We will monitor this bill for its impact to employees operating LES fleet vehicles.	Monitor/Confer with the City
LB 1076	Government, Military and Veterans Affairs Committee Hearing February 22, 2024	(Cavanaugh, M.) LB 1076 is similar to LB 951. It requires a governing body of a provides that sets policy for, makes decisions regarding, or supervises matters relating to any public contract to which the provider is a party to comply with open meeting provisions. There is not a direct impact to LES, but the bill will be monitored.	Monitor/Confer with the City
LB 1104	Executive Board Executive Board Priority Approved by Governor	(Aguilar) LB 1104 increases lobbyist registration fees from \$200 to \$300 and provides that such fees will be split between the offices of the Clerk of the Legislature and the Nebraska Accountability and Disclosure Commission. LES has one or two registered lobbyist in any given year.	Monitor
LB 1112	Transportation and Telecommunications Committee Hearing February 12, 2024	(Clements) Restricts local government control regarding permits and fees for the placement of communications infrastructure on poles and towers of the local government or utility. It provides that a local governing entity may not charge a fee that exceeds its reasonable costs but goes on to cap such fees at \$100 for an application fee and \$250 for a permit. These caps may in many cases not cover the actual costs of reviewing and processing an application.	Oppose/Confer with the City
LB 1119	Judiciary Committee Hearing January 25, 2024	(Dungan) LB 1119 prohibits homeowner associations from restricting the installation and use of solar panels in any covenant, declaration, bylaw, deed contract, or other agreement. The bill does not directly impact LES, but it will be monitored for its relation to LES customer generation policies.	Monitor/Confer with the City
LB 1139	Business and Labor Committee Hearing February 5, 2024	(Cavanaugh, M.) Adopts the Paid Family and Medical Leave Insurance Act. The bill is very similar to LB 57 introduced by Sen. Cavanaugh last session, but not yet advanced out of committee.	Monitor/Confer with the City
LB 1186	Transportation and Telecommunications Committee Hearing February 27, 2024	(Sanders) Amends the Nebraska One-Call Notification System Act to provide that an excavator will not be strictly liable to an operator for repair costs to any underground telecommunications line on residential property if it is buried at a distance of 12" or more from a building and at a depth of less than 10". LES is both an excavator and an operator under the Act and we will monitor this bill for an amendments.	Monitor/Confer with the City



2024 NEW LEGISLATION IMPACTING LES

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LB 1218	Revenue Committee Amended into LB 1317 Approved by Governor	<p>(Bostar) Allows commercial electric vehicle (EV) charging stations to charge on a kilowatt-hour basis. Selling electricity on a kWh basis is considered a retail sale of electricity and state law provides that only utilities a certified retail service area may do so. The bill also proposes to significantly restrict the ability of public entities like LES from installing direct current fast-charging stations by providing that a public entity would have to provide public notice of an intent to install a DC fast charging station and give private entities a 90-day window to exercise a right of first refusal to install a station thereby precluding the public entity from doing so. LES and the public power industry have supported a narrow carve out to allow private EV charging stations to charge on a kWh basis. However, LES and public power strongly oppose any provisions that erode local control and restrict the core business of electric utilities.</p> <p>Update: LB 1218 was amended into LB 1317. Public power was able to secure an amendment that sunsets the right of first refusal provisions on December 31, 2027. After that, utilities would be precluded from installing a DC fast charging station within 10 miles of any DC fast charging station that exists, or is under construction, on January 1, 2028.</p>	Oppose/Confer with the City
LB 1219	Urban Affairs Committee Hearing February 13, 2024	(Cavanaugh, J.) Provides for adoption of updated building and energy codes, including the 2021 International Energy Conservation Code.	Monitor/Confer with the City
LB 1234	Appropriations Committee Hearing February 2, 2024	(Wayne) LB 1234 appropriates to the Department of Environment and Energy \$1 million for fiscal year 2023-24 and \$1 million for fiscal year 2024-25 for the Low-Income Weatherization Assistance Program.	Support/Confer with the City
LB 1277	Government, Military and Veterans Affairs Committee Hearing February 23, 2024	(Wayne) This bill allows the Governor to issue an emergency disaster proclamation for multiple counties when requested by a political subdivision that supplies electricity, natural gas, water, or sewer service without having to first request an emergency proclamation from each county. This provision will help to expedite disaster relief for essential services. While LES's service area is entirely in one county, the bill would provide assistance to the City of Lincoln for water service and also for LES's utility partners.	Support/Confer with the City
LB 1294	Banking, Commerce and Insurance Committee Amended into LB 1074 Approved by Governor	(Bostar, et al.) LB 1294 adopts the Data Privacy Act is primarily aimed at companies in the state that produce a product or service and engage in the sale of personal data. Among other things, it would require such companies to obtain consent to process or sell personal data. The bill as introduced specifically exempts the State, political subdivisions, and electric suppliers, among others, but the bill will be monitored for amendments that may expand the scope to include political subdivisions.	Monitor/Confer with the City



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LB 1300	Government, Military and Veterans Affairs Committee Sen. Ballard Priority Bill Approved by Governor	<p>(Bostar, at the request of the Governor) Adopts the Pacific Conflict Stress Test Act and Foreign Adversary Contracting Prohibition Act with the emergency clause. It requires a state risk assessment that includes preparation of risk scenarios and threats, with focus on supply chain. The report is required to include identified vulnerabilities in critical infrastructure, military installations, cybersecurity, and public health, among others. We have identified concerns about releasing critical infrastructure information that would be published. Senator Bostar is willing to consider amendments that achieve the overall objective without comprising sensitive information.</p> <p>Update: Public power was able to secure amendments to LB 1300 that address concerns regarding publicizing vulnerabilities. The amendment ensures that public power utilities can continue to protect critical infrastructure information related to cyber and physical security.</p>	Oppose as introduced and seek amendment/Confer with the City
LB 1302	Government, Military and Government Affairs Committee Hearing February 8, 2024	<p>(Lippincott) Adopts the Cybersecurity Preparedness Act to provide funding to the State Chief Information Officer to procure hardware, software, or services to expand the state’s cybersecurity defense and response capabilities. The bill requires and provides support for cyber preparedness training and cyber drills. It also establishes a \$2 million program to provide grants to political subdivisions for the purpose of upgrading critical information technology infrastructure.</p>	Support/Confer with the City
LB 1319	Revenue Committee Hearing February 1, 2024	<p>(Linehan) LB 1319 repeals a sales and uses tax exemption for data centers. Since 2012, sales and use taxes have not been imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption of personal property and services of a data center. This bill does not directly impact LES, but it will be monitored given Google’s pending construction of a data center in Lincoln.</p>	Monitor/Confer with the City
LB 1342	Revenue Committee Hearing February 29, 2024	<p>(Wayne) LB 1342 would exempt residential sales and purchases of electricity and natural gas from sales and use taxes. Sales and use tax is a pass-through for LES so there is no financial impact to LES. However, the bill would result in less sales tax revenue for the City. We will confer with the City and support the City’s position on the bill.</p> <p>Update: LB 1342 was initially amended into LB 388 by the Revenue Committee, the Governor’s broad tax proposal, but it was later amended out due to concerns regarding the fiscal impacts of the total package.</p>	Monitor/Confer with the City



2024 NEW LEGISLATION IMPACTING LES

LEGISLATIVE BILL	STATUS OF LEGISLATION	SUMMARY OF LEGISLATION	LES POSITION
LB 1366	Judiciary Committee Hearing February 2, 2024	(Cavanaugh, J., Bostelman, Brewer) LB 1366 would significantly change the eminent domain authority of public entities. While LES could support provisions in the bill to clarify and encourage good faith efforts to negotiate with property owners, there are other provisions in the bill that are unacceptable. One of the primary objectionable provisions would prohibit a political subdivision from taking property outside the boundaries of the political subdivision through the use of eminent domain unless a majority vote of the governing body of the county, city, or village where the property is located approves the taking. This could significantly impact LES's ability to site transmission lines outside of its service area. This would also hamper the City's efforts related to securing a secondary water source.	Oppose/Confer with the City
LB 1369	Natural Resources Committee General File	(Cavanaugh, J.) LB 1369 would require a local electric distribution utility to interconnect and operate in parallel with an agricultural self-generation facility with a rated capacity of 100 kW or less that produces electricity using methane, wind, solar, biomass, hydropower, or geothermal resources as its energy source. LB 1369 specifically provides that such a system in not used for purposes of net metering. This would only apply where land meets the definition of agricultural or horticultural land.	Monitor/Confer with the City



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LEGISLATIVE BILL	STATUS OF LEGISLATION	SUMMARY OF LEGISLATION	LES POSITION
LB 1370	Natural Resources Committee Committee Priority Bill Approved by Governor	<p>(Bostelman, + 24) LB 1370 would provide that prior to retiring an existing dispatchable electric generation facility in Nebraska, and electric supplier must certify to the Nebraska Power Review Board (NPRB) that the supplier has a) ‘secured and placed on the state’s electric grid’ a dispatchable generation facility with an equal or greater to nameplate capacity as the one being retired; and b) ‘adequate’ transmission infrastructure necessary to interconnect the new dispatchable generation facility. This bill would not apply if a unit retirement is mandated by federal law. Dispatchable generation means a facility using hydropower, coal, natural gas, hydrogen, or nuclear power to generate electricity. The bill raises a number of questions. As drafted, it would not apply to two of LES’s major resources at the Laramie River Station and the Walter Scott Energy Center as those plants are outside of Nebraska. It also would not seem to apply to LES’s participation in the Gerald Gentleman Station in that LES is a minority participant and not an owner, but would place an inordinate burden on NPPD to replace capacity it may not need. The legislation is a serious erosion of local control—both of the local utility governing bodies and the communities they serve. There are 25 original cosponsors on the bill which represents half of the 49-member Legislature. Several of these senators have expressed concern about what they perceive as an over-reliance on renewable energy generation.</p> <p>Update: Following considerable discussion with Senator Bostelman, the committee amendment provides an approach that LES will not oppose. The committee amendment provides that if a utility is considering retiring a dispatchable generation facility, it must notify the PRB. The PRB can choose to hold a closed hearing with the utility. The PRB will provide an advisory-only recommendation to the utility regarding its decision to decommission the facility which the utility governing body must consider as it makes its final decision to decommission the facility. All materials submitted remain confidential until a final decision regarding decommissioning is made by the utility.</p> <p>Four other bills were amended into LB 1370 and LB 1370 was designated as a committee priority bill. With regard to the committee amendment, LES is neutral or not impacted by the other provisions that were amended into LB 1370.</p>	Oppose/Neutral on Committee Amendment