



2025 NEW LEGISLATION IMPACTING LES

LEGISLATIVE BILL	STATUS OF LEGISLATION	SUMMARY OF LEGISLATION	LES POSITION
LB 18	Transportation and Telecommunications Committee Hearing February 11, 2025	(Cavanaugh, J.) Relates to Small Wireless Facilities on poles. This bill gives more rights to local authorities to ensure that new or modified utility poles for small wireless facilities in the right-of-way must be ADA compliant.	Monitor/Confer with the City
LB 20	Natural Resources Committee Final Reading	(Cavanaugh, J.) Ensures that no utility shall deny electric service to non-net metering agricultural self-generation facilities with a nameplate capacity of no more than 100 kW. State statutes only require net metering up to 25 kW. This will allow pork producers, farmers, and ranchers to install renewable generation facilities up to 100 kW, but they won't be compensated through net metering.	Monitor
LB 35	Natural Resources Committee Final Reading	(Brandt) LB 35 is intended to clarify provisions from LB 1370 that was passed last year relating to private renewable developers within proximity to a military installation certifying that the facility does not have any components from foreign adversaries. This bill clarifies that privately renewable developers have to certify compliance upon reaching commercial operation, as they apparently are unable to certify this during.	Monitor
LB 43	Natural Resources Committee Select File	(DeKay, Hardin) LB 43 is also a bill to clarify provisions from LB 1370 that was passed last year. It was understood based on the testimony on last year's bill that the certification provisions would apply to all future construction of facilities. During the interim, there was discussion that it should also apply to any modifications or repairs to existing facilities. The Power Review Board attempted to apply this understanding through a guidance document, but ultimately an Attorney General's opinion counseled the PRB to seek legislative clarification. LB 43 a) adds a definition of electronic-related equipment; b) clarifies that the required certification extends to both new facilities and modifications or repairs to existing facilities if such modifications include electronic-related equipment from foreign adversaries; and c) essentially requires a one-time certification and subsequent notification if a utility or developer finds itself out of compliance. The definition of military installation does not include the Lincoln Air National Guard base. For this reason, LES intends to monitor LB 43, but LES's position would change to opposition if an amendment extended the scope of the legislation to all electric facilities.	Monitor/Oppose if expanded beyond facilities close to military installations
LB 50	Revenue Committee Hearing February 19, 2025	(DeKay, Dover, Hansen, McKeon) LB 50 amends the nameplate capacity tax statutes to carve out 5% for community colleges. Under current law, the nameplate capacity tax is distributed to local taxing entities that do not receive tax revenue from the renewable energy generation resources due to the personal property tax exception. LB 50 would add a 5% distribution of the amount collected to be distributed to the community colleges with the remaining 95% distributed to the remaining local taxing entities.	Monitor/Confer with the City



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LB 91	Natural Resources Committee Final Reading	(DeKay, Brandt, Clouse) Relates to public power districts providing electric services to a city or village, where the city or village wants to take ownership of the distribution system, and the public power district has no debt on the system. This bill deletes “without cost” when transferring the assets so the public power district may negotiate the purchase and collect any additional appreciated value that would be lost. This is a decades-old provision that is likely obsolete in today’s industry, but we will monitor this bill and any amendments.	Monitor
LB 117	Revenue Committee Hearing January 31, 2025	(Holdcroft) LB 117 exempts from sales and use taxes any sales and purchases of utilities, including electricity, natural gas, propane and sewer for residential use. Residential use includes an apartment that is paid separately or as a separate line-item from rent, as well as use at a commercial property where the primary use of the property is as a residence. Sales tax is a pass-through obligation for LES so there is no financial impact to LES in eliminating the sales tax, though LES is assessing how the exemption will be applied in certain cases. As it’s written, cities, like Lincoln, will not be able to collect a local option sales tax. However, at the committee hearing Sen. Holdcroft stated that they intended to add an amendment to carve out a local option in the bill.	Monitor/Confer with the City
LB 121	Natural Resources Committee Hearing January 30, 2025	(Hardin, Lippincott) Prohibits the land disposal of the component parts of solar panels and wind turbine blades. This will require sending such materials out of state for disposal.	Monitor
LB 129	Natural Resources Committee Hearing January 29, 2025	(McKeon, Hardin, Lippincott, Lonowski) LB 129 prevents a political subdivision from implementing any ordinance, code, resolution, rule, regulation, or policy that restricts, prohibits, or has the effect of prohibiting or restricting, any energy sources supplied by a retail marketer of any energy source. An energy source is defined as fuel or power source used to power an engine, including aviation fuel, biofuel, compressed or liquified natural gas, diesel fuel, electricity used for charging electric vehicles, gasoline including ethanol-blended gasoline, gas distillates, hydrogen and liquid petroleum gas. While this bill was primarily introduced on behalf of ethanol producers, LES is concerned about the inclusion of electricity used for charging electric vehicles. This would eliminate LES’s ability to assess demand charges on certain charging stations, among other things. At the hearing, McKeon stated that he intended to remove electricity-related provisions. LES will continue to monitor to watch for amendments on general file.	Oppose/Seek an amendment to remove electricity-related provisions
LB 137	Judiciary Committee Hearing February 27, 2025	(Dungan) LB 137 prohibits a homeowner’s association from restricting or charging a residential customer for solar panel installation or a pollinator garden. The bill does not impact LES but will be monitored for awareness.	Monitor



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LB 163	Natural Resources Committee Hearing January 30, 2025	(Spivey, Cavanaugh, J., Dungan, Fredrickson, Guereca, Juarez, McKinney, Quick) Creates the Office of Climate Action which will operate within the Department of Environment and Energy to serve as a dedicated point of contact to assist with policies and programs and support federal grant initiatives dealing with climate action. The office would also create a climate action plan on or before July 1, 2026, to manage risks of climate change impacts on the state and reduce the causes of climate change within the state.	Support
LB 193	Government, Military and Veterans Affairs Committee Hearing February 19, 2025	(Andersen, Bostar, Holdcroft, Sanders) LB 193 amends the Pacific Conflict Stress Test Act passed last session, specifically provisions relating to the Committee on Pacific Conflict. The bill merely deletes the provisions that provided that the appointments to the committee be made within 60 days after April 17, 2024. The bill seems like a placeholder for additional substantive provisions. LES will monitor the bill for any amendments.	Monitor
LB 264	Appropriations Committee Hearing February 18, 2025	(Arch, at the request of the Governor) Eliminates a number of existing Acts including the Nebraska Geologic Storage of Carbon Dioxide Act. This act was introduced in 2021 as LB 650 and established regulatory framework and support for carbon storage technology. LB 264 would eliminate this act which would impact ongoing and future carbon storage projects. The elimination of this act would create regulatory uncertainties with legal and procedural aspects of carbon storage projects and hinder funding or access to carbon storage projects. This would create a more challenging environment for electric utilities aiming to reduce their carbon emissions.	Oppose
LB 291	Urban Affairs Committee Hearing February 04, 2025	(Urban Affairs Committee) Adopts the Aid to Municipalities Act to provide grants to municipalities to pay for infrastructure projects. The bill specifically includes, among other things, transmission lines in the definition of 'infrastructure project.' It includes an annual appropriation of \$15 million for the Aid to Municipalities Fund, with a cap of \$5 million per grant.	Monitor/Confer with the City
LB 317	Natural Resources Committee Hearing February 13, 2025	(Brandt, at the request of the Governor) LB 317 is a comprehensive bill of over 400 pages that effectuates the merging of the Department of Natural Resources with the Department of Environment and Energy. It appears that most of this bill is updating all titles as they currently appear in statutes. However, staff is still evaluating any impacts from this legislation.	Monitor



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LB 349	Natural Resources Committee Hearing March 06, 2025	<p>(Prokop) LB 349 specifically defines electric energy storage and is intended to clarify that both public and private electric suppliers can own and operate electric energy storage facilities. In talking to the bill sponsor, it appears the intent of the bill is that if the facility is a standalone energy storage facility, it would have to be approved by the Nebraska Power Review Board under the same criteria as any other non-renewable generation facility. If it is part of a privately developed renewable generation facility, it would be approved subject to the certification provisions in statute for such privately developed facilities.</p> <p>LES has concerns about introducing state statutes regarding battery storage when SPP is still defining guidelines.</p>	Oppose as introduced/Seek amendments on definitions
LB 396	Natural Resources Committee Select File	<p>(DeKay) LB 396 eliminates a requirement for public power districts to make their budgets available to the general public in a form approved by the Power Review Board. They are still required to make the budget available. The bill only eliminates the requirement for the form of the budget to be approved by the PRB. This bill does not impact LES and will just be monitored.</p>	Monitor
LB 409	Natural Resources Committee Hearing February 20, 2025	<p>(Cavanaugh, J.) LB 409 would change the composition of the Power Review Board to include at least one licensed journeyman electrician who is affiliated with a nonprofit labor organization for electrical workers. The board would still be comprised of five members—an attorney, an engineer, a union member, and two laypersons. It is unclear what purpose would be served by having a journeyman electrician on the PRB. The PRB’s role in approving the applications for generation and transmission is more geared toward evaluating the public convenience and necessity of a project and the overall economics of the project. The PRB does not evaluate any technical specifications, nor does it evaluate any aspects of project labor. LES does not see a purpose to be served by adding this requirement on the PRB. A journeyman electrician could already be appointed as one of the three laypersons.</p>	Seek clarity on the intent with bill introducer



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LB 413	Natural Resources Committee Hearing February 05, 2025	(Clouse) LB 413 relates to rates and charges set by public power districts. This bill adds language to provide that rates and charges may be differentiated based on load size, load factor, firm and nonfirm service, technology risks, length of service commitment, and other objective criteria. It is LES's understanding that the bill was introduced to give utilities greater flexibility in setting appropriate rates for large, transitory loads such as cryptomining. As introduced, the bill does not include municipalities. In addition, LES already has rates and charges that are differentiated based on things like load factor and other criteria, but we still maintain cost of service rates within rate classes that are fair, reasonable, and nondiscriminatory. LES has also evaluated mechanisms to deal with large, transitory loads, but it is not clear that this would provide the desired flexibility.	Monitor
LB 450	Urban Affairs Committee Hearing February 11, 2025	(Fredrickson) LB 450 amends the Property Assessed Clean Energy Act to add grid resiliency improvements as a qualified improvement in a clean energy assessment district. Grid resiliency improvement would include acquisitions, modifications, or installations benefiting public or private property, and would include backup power generators, generators powered by renewables, solar panels with battery storage, and smart grid technology. There is no direct impact to LES, though the term "grid resiliency" generally refers to the utility level rather than to the customer level.	Monitor/Confer with the City
LB 468	Revenue Committee Hearing February 05, 2025	(Clements) LB 468 changes a number of tax provisions, including increasing the nameplate capacity tax on renewable energy generation from \$3,500 to \$6,500 per megawatt of nameplate capacity.	Monitor
LB 477	Business and Labor Committee Hearing February 24, 2025	(Fredrickson) LB 477 amends the Workplace Privacy Act and includes provisions to prohibit employers from requiring employees to use or wear electronic tracking devices to track the employee's location or travel patterns. An employer can still track employer property as long as the property and employee possessing or using the property are not associated in the data collected. It's unclear if this would prohibit organizations from maintaining safety data regarding badging and clearance to specific locations within their buildings. LES is concerned that there may be unintended impacts in this bill which would negatively impact safety procedures.	Oppose/Confer with bill introducer
LB 489	Natural Resources Committee Hearing February 05, 2025	(Brandt) LB 489 is intended to prohibit private entities from operating, maintaining, constructing, or acquiring a transmission line or related facility carrying more than seven hundred volts. As written, the language would impact new primary-metered customers who would construct or maintain 15 kV or 35 kV lines. It would also seem to preclude transmission lines built by private developers to interconnect privately developed renewable energy facilities with public power providers.	Oppose as introduced



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LB 503	Revenue Committee Hearing February 19, 2025	<p>(Bosn, Ballard, Bostar) Allows counties to be able to adopt the American energy friendly designation which allows for privately developed renewable energy facilities to not have to abide by several county and zoning regulations. The bill provides that privately developed renewable energy generation facility has the same meaning currently in statute “and also includes any electric energy storage resource.” It is unclear whether this is intended as a renewable project that includes energy storage, or whether energy storage could be a standalone facility. A county can pursue designation as an American energy friendly county by either applying to the Department of Revenue for such designation, or by submitting the question of whether to apply for the designation to a vote of registered voters in the county. If the county receives the designation, it essentially agrees to a model set of zoning and setback requirements or parameters.</p> <p>LES would like clarification on the definition of energy storage before determining a position on this bill.</p>	Monitor and seek clarification of definitions
LB 526	Revenue Committee Hearing February 12, 2025	<p>(Jacobson, at the request of the Governor) Establishes an excise tax on cryptocurrency mining operations where these operations will be taxed at a rate of \$0.025 per kilowatt hour after the first 1,000 kilowatt hours in a calendar year. As introduced, the bill only applies to public power districts. LB 526 also provides that public power districts may require direct payment or a letter of credit from cryptocurrency mining operations for the cost of significant infrastructure upgrades required by such operations. Before requiring such direct payment or letter of credit, the public power district must conduct an independent grid impact study to determine the cost of required upgrades. LES has expressed concerns with this language as it is not clearly defined what this would entail. LES has also expressed concerns about identifying crypto mining customers and implementation of the tax as this may impact current, non-crypto mining customers. The excise tax does not apply to data processing centers, cloud computing, or any other industrial or commercial entities not engaged in cryptocurrency mining.</p>	Oppose as introduced
LB 546	Government, Military and Veterans Affairs Committee	<p>(Rountree) Allows a political subdivision that supplies electricity, natural gas, water, or sewer service to request an emergency proclamation directly from the Governor that covers one or more counties for a disaster, emergency, or civil defense emergency without having to first request a proclamation from a county or local government entity. This was introduced on behalf of OPPD. It does not impact LES as the LES service area is located in a single county. LES will monitor the bill.</p>	Monitor



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LB 565	Government, Military and Veterans Affairs Committee Hearing February 12, 2025	(Quick) LB 565 provides change requirements for guidance documents from agencies which introduces restrictions so guidance documents can not be issued between July 1, 2025, through July 1, 2027, unless specifically requirement by federal rules and regulations and revokes guidance documents from July 1, 2022, through July 1, 2025. It also adds restrictions so guidance documents cannot impose greater regulation than federal requirements. LES is monitoring this bill as it may impact guidance documents implemented by the Nebraska Power Review Board.	Monitor
LB 590	Natural Resources Committee Hearing February 12, 2025	(Moser) Allows for the Department of Transportation to establish and operate a mitigation bank or an in-lieu fee program to provide compensatory mitigation for the incidental take of threatened or endangered species and such species' habitat arising out of permitted activities. LES will monitor this bill for its potential application related to LES compliance with the Migratory Bird Treaty Act and other environmental laws.	Monitor
LB 644	Government, Military and Veterans Affairs Committee Hearing February 19, 2025	(Bostar, at the request of the Governor) Adopts the Foreign Adversary and Terrorist Agent Registration Act and the Crush Transnational Repression in Nebraska Act, but also amends the Foreign Adversary Contracting Prohibition Act (FACPA) passed in 2024. The bill amends the FACPA to include unmanned aircraft (drones) in the definition of 'technology-related product or service' that cannot be procured from a foreign adversary. It grandfathers unmanned aircraft procured prior to July 1, 2026, but seems to potentially prohibit procurement of unmanned aircraft on or after July 1, 2028. The statute includes an exemption for electric suppliers in compliance with federal critical infrastructure protection requirements.	Monitor/Confer with the City
LB 660	Government, Military and Veterans Affairs Committee Hearing February 19, 2025	(Andersen, Bosn, Holdcroft, Sanders, Sorrentino, Storer) Adopts the Drone Purchasing Act to regulate the purchase of drones. Starting January 1, 2027, political subdivisions are prohibited from purchasing or acquiring drones not cleared by the Division of Aeronautics of the Department of Transportation. This division will create and "regularly" maintain and document known as the List of Secure Drones Authorized for Purchase which contains the names of devices and vendors of drones and unmanned aerial systems that are "(a) cleared by the United States Department of Defense through its Blue UAS program; (b) Determined to be compliant with the requirements of the National Defense Authorization Act for Fiscal Year 2024, Public Law 118-31; (c) Determined by the division to be designed, maintained, modified, or operated in such a manner that they are incapable, under normal operating conditions, of transmitting data to unauthorized persons or entities; or (d) otherwise determined by the division to present no threat to the security of the State of Nebraska. Political subdivision must purchase or acquire only drones cleared by the division "to the extent practical,".	Monitor/Seek clarification on restrictions