



## 2019 LEGISLATION IMPACTING LES

LEGISLATIVE BILL	STATUS OF LEGISLATION	SUMMARY OF LEGISLATION	LES POSITION
<a href="#">LB 9</a>	General File	(Blood) Prohibits cities and counties from taxing or regulating distributed ledger technology (bitcoin/block chain).	Monitor/Confer with the City
<a href="#">LB 16</a>	Final Reading	(Briese) LB 16 was introduced on behalf of LES to create an additional category of public records that can be lawfully withheld from public disclosure under Nebraska public records laws. The purpose of the exemption is to allow public electric utility systems to protect data, maps, and information regarding critical physical and cyber infrastructure. This is a growing area of concern in many industries, and of particular concern to the utility industry. LB 16 also allows the withholding of the identity of employees in certain cyber and physical security positions whose positions make them more vulnerable to threats and extortion. Utilities are willing to provide salary and other information about the positions they hold, but we believe the identity of those employees should not be disclosed for security reasons.	Support
<a href="#">LB 23</a>	Urban Affairs Hearing February 5, 2019	(Kolterman) Amends the Property Assessed Clean Energy (PACE) Act to cover energy efficiency improvements or renewable energy systems that are already in place provided there is still a remaining weighted average useful life of at least 10 years at the time of application for financing.	Monitor/Confer with the City
<a href="#">LB 76</a>	General File	(Williams) Amends the nameplate capacity tax provisions for privately developed renewable energy generation facilities to provide that nameplate capacity shall be determined based on the facility's alternating current capacity. This bill does not directly impact LES, but it will be monitored for its relevance to the industry.	Monitor
<a href="#">LB 124</a>	Final Reading	(Crawford) Amends the PACE Act provisions regarding PACE districts that are jointly created between two or more municipalities to clarify that such a joint district cannot include any area within the corporate boundaries or extraterritorial zoning jurisdiction of any municipality that is not a part of the joint agreement.	Monitor/Confer with the City
<a href="#">LB 148</a>	General File	(Groene) Changes public meeting notice requirements for public bodies, including interlocal cooperation entities that receive tax funds. This would not include DEC or NUCorp. Current law provides that a public body must give reasonable advance publicized notice of the time and place of the meeting by a method designated by each public body and recorded in its minutes. LB 148 requires public notice to be published in a newspaper of general circulation within the public body's jurisdiction and, if available, in a digital advertisement on such newspaper's web site. This does not represent a significant change for LES, but the bill will be monitored for amendments.	Monitor/Confer with the City



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<a href="#">LB 150</a>	Government, Military & Veterans Affairs Committee <b>Hearing February 8, 2019</b>	(Brewer) LB 150 allows custodians of public records to charge a fee for public records requests by non-residents of Nebraska and such fee may include a charge for the salaries of public employees who fulfill the request. There is an exception for news media regardless of their location of domicile. This exception would include media sources in foreign countries. LES is concerned that this bill has potential to be abused by non-Nebraska entities.	Oppose/Confer with the City
<a href="#">LB 151</a>	Government, Military & Veterans Affairs Committee <b>Hearing February 20, 2019</b>	(Brewer) LB 151 establishes the Government Neutrality in Contracting Act that prohibits political subdivisions from 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
<a href="#">LB 155</a> <b>Priority Bill</b>	<b>General File</b>	(Brewer) Amends provisions related to privately developed renewable generation facilities to strike language that declares that the exercise of eminent domain to provide transmission lines for such a facility is a public use. Sen. Brewer's intent is to prevent the use of eminent domain for a private activity or project.	Monitor
<a href="#">LB 184</a>	Transportation & Telecommunications Committee <b>Hearing February 4, 2019</b>	(Friesen) LB 184 requires municipal electric utilities to allow for small wireless cell attachments unless the applicant does not meet the applicable industry construction standards in the utilities right of way (ROW) or its building, electrical, or pole attachment codes. The stated purpose of the bill is to provide "uniform procedures, rates, and fees" for the deployment of small cells. However, the bill exempts public power districts, rural public power suppliers, the University of Nebraska, state colleges, community colleges, and the Nebraska Dept. of Transportation. Public power districts can continue to negotiate pole attachments on an individual basis, but LES would be subject to the constraints of LB 184. We do not see how this achieves anything close to uniformity or consistency. While LES is supportive of small cell technology, we believe that LB 184 is an inappropriate mandate within the public ROW that significantly erodes a public entity's authority and management of its ROW. In addition, the FCC has issued an Order regarding small cells and the public ROW that is currently being challenged in federal court. The Legislature should wait for this matter to be resolved at the federal level. For all of these reasons, LES and the City of Lincoln oppose LB 184.	Oppose/Coordinate with the City
<a href="#">LB 208</a>	Transportation & Telecommunications Committee <b>Hearing February 4, 2019</b>	(Walz) Amends the dark fiber statutes to allow for public-private partnerships and to also exempt them from Public Service Commission approval of the dark fiber lease price.	Support/Confer with the City



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<a href="#">LB 212</a>	<b>General File</b>	(Government, Military & Veterans Affairs Committee) Amends the Open Meetings Act for interlocal organizations that sell electricity or natural gas at wholesale on a multi-state basis to expand the ability to meet by teleconference. This bill is primarily for NMPP Energy, but LES monitors most open meetings legislation.	Monitor
<a href="#">LB 217</a>	<b>General File</b>	(Pansing Brooks) Amends the Wage Payment and Collection Act to an employer from discharging or retaliating against any employee because such employee inquired about, discussed, or disclosed comparative compensation information for the purpose of determining whether the employer is compensating any employee in a manner that provides equal pay for equal work. LES will monitor the bill.	Monitor/Confer with the City
<a href="#">LB 218</a>	<b>General File</b>	(Lindstrom) Excludes electric generation, transmission, distribution, and street lighting structures or facilities owned by a political subdivision from the definition of tangible personal property thereby exempting such facilities from taxation. LB 218 also provides that any revenue from leases of such facilities, such as pole attachments, shall not be counted as gross receipts.	Support
<a href="#">LB 254</a>	<b>Final Reading</b>	(McCollister, et al.) Adopts the Fair Chance Hiring Act prohibits employers from asking applicants for a position about their criminal history and cannot conduct a criminal history until the employer has determined the applicant meets the minimum requirements. In addition, the employer must give the applicant an opportunity to explain or provide information or circumstances about the criminal history.	Monitor/Confer with the City
<a href="#">LB 283</a>	Executive Board <b>Hearing February 11, 2019</b>	(Pansing Brooks) Provides that the University of Nebraska will develop a strategic action plan to provide methods for adapting to and mitigating the impacts of climate change. It appropriates up to \$250,000 from the Waste Reduction & Recycling Incentive Fund for the study. The action plan is required to be submitted to the Governor & Legislature by December 15, 2020.	Monitor
<a href="#">LB 285</a>	Natural Resources Committee <b>Hearing March 14, 2019</b>	(McCollister) Appropriates \$200,000 for the Nebraska Power Review Board (NPRB) to conduct a study of electric transmission and distribution infrastructure policy, including an assessment of facilities that may alleviate transmission or distribution constraints or eliminate the need for infrastructure upgrades. The NPRB is authorized to hire a consultant and to see input into the study from The Legislature, the Department of Economic Development, the Nebraska Energy Office, the Southwest Power Pool, the public power industry, and other interested parties. The report is required by December 20, 2019. We will be meeting with Sen. McCollister to determine his intent, but we do not see the need for such a study.	Oppose
<a href="#">LB 302</a>	<b>Final Reading</b>	(Hughes, at request of the Governor) Merges the Nebraska Energy Office into the Department of Environmental Quality and renames it the Department of Environment and Energy, to be effective July 1, 2019.	Monitor



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<a href="#"><u>LB 311</u></a>	<b>General File</b>	(Crawford, et al.) 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 need.	Monitor/Confer with the City
<a href="#"><u>LB 361</u></a>	<b>Select File</b>	(Hansen, M.) Prohibits employers from retaliating or discriminating against an employee or applicant because the employee or applicant files a complaint pursuant to the Wage and Hour Act or testifies or participates in an action concerning a violation of the act.	Monitor/Confer with the City
<a href="#"><u>LB 366</u></a>	Transportation & Telecommunications Committee <b>Hearing February 26, 2019</b>	(Bostelman) Provides a graduated schedule of registration fees for motor vehicles powered by an alternative fuel beginning at \$85 for 2020 increasing to \$125 dollars in 2024. Alternative fuel includes electricity, solar power, and any other source of energy not otherwise taxed under the motor fuel laws. This is intended to offset the decrease in gas taxes as the utilization of electric vehicles increases.	Monitor
<a href="#"><u>LB 373</u></a>	Government, Military & Veterans Affairs Committee <b>Hearing January 31, 2019</b>	(Brewer) Prohibits the location of wind turbines within 3 miles of any residential dwelling unless the homeowner provides written permission prior to construction. The homeowner shall have a civil cause of action if the wind developer violates the set-back requirement. Beginning July 1, 2021, LB 373 also requires a county in which a wind project is located to have zoning regulations or a zoning resolution that, at a minimum, addresses set-backs for the wind turbines, noise and decommissioning.	Monitor
<a href="#"><u>LB 456</u></a>	Revenue Committee <b>Hearing March 14, 2019</b>	(Lathrop) Provides a new exemption from sales and use tax for machinery or equipment for use in the production of electricity from a renewable energy source including machinery or equipment used to store such electricity. Renewable energy source includes wind, solar, geothermal, hydroelectric, biomass, and transmutation of elements. The bill doesn't directly impact LES, but it will be monitored.	Monitor
<a href="#"><u>LB 462</u></a>	Transportation & Telecommunications Committee <b>Hearing February 11, 2019</b>	(Friesen) Amends the One-Call Notification System Act to give greater regulatory authority to the statewide One-Call board of directors and to establish a dispute resolution board for complaints filed under the act. It also establishes new licensing requirements for locators, which appears to also apply to utility locators employed by the utility. While some improvements to the One-Call administration and board may be necessary, LES opposes giving broad regulatory authority to the One-Call board which is not a state agency.	Oppose
<a href="#"><u>LB 507</u></a>	Revenue Committee <b>Hearing March 1, 2019</b>	(Briese) LB 507 eliminates a number of sales and use tax exemptions. As written it does not impact LES, but we will monitor LB 507 as well as other bills (such as LB 508) related to these exemptions to ensure that the sales and use tax exemption is retained for fuels used in the generation of electricity.	Monitor



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<a href="#">LB 509</a>	Natural Resources Committee <b>Hearing March 14, 2019</b>	(McCollister) Amends state net metering laws to provide that a local distribution utility's rate for net metering shall be implemented as a fixed rate not to exceed more than 20% of the utility's fixed rate for customers in the equivalent rate class to the customer-generator. It also provides that no other fee shall be charged to a net-metering customer for standby, capacity, demand, interconnection, or other costs. This could be interpreted to mean that the utility could not charge a fixed customer charge for net metered customers which means those costs would shift to non-net metered customers. LES opposes this cost shift. LB 509 also increases the size threshold for which a utility must provide net metering from 25 kW to 100 kW, but also allows a customer to install a generation system up to 110% of the customer-generator's average monthly use, not to exceed 100 kW.	Oppose
<a href="#">LB 549</a>	Transportation & Telecommunications Committee <b>Hearing February 4, 2019</b>	(Brandt et al.) Provides for the creation and maintenance of a statewide geographic information system (GIS) map under the Nebraska Telecommunications Regulation Act to track connection speeds and type of technology for each address or land parcel.	Monitor
<a href="#">LB 621</a>	Judiciary Committee <b>Hearing February 21, 2019</b>	(Kolowski) Permits counties and municipalities to consider a "right to direct sunlight" in its zoning regulations in order 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
<a href="#">LB 627</a>	<b>General File</b>	(Pansing Brooks) Prohibits employment discrimination based on sexual orientation and gender identity.	Monitor/Confer with the City
<a href="#">LB 700</a>	Natural Resources Committee <b>Hearing March 6, 2019</b>	(Bostelman) Revises statutory provisions related to decommissioning of wind conversion systems to specifically include the removal of both aboveground and underground equipment and restoring the land to its natural state. There is concern that a wind developer would remove the wind turbines, but leave the concrete foundations in place.	Monitor
<a href="#">LB 704</a>	Government, Military & Veterans Affairs Committee <b>Hearing March 15, 2019</b>	(McCollister) Appropriates \$50,000 for the State to assess the utilization of resources by the state, including using instate renewable energy generation for state-owned buildings, reduction of energy consumption in state-owned building, and other measures to increase energy -efficiency in state-owned buildings. Authorizes the Department of Administrative Services to issue and RFP for proposals to allow the State and the University of Nebraska to purchase at least 50% of if its energy from renewable resources by 2025, 70% by 2028, and 80% by 2031. LES will monitor LB 704, but will continue to assist the State as possible in achieving its energy efficiency goals.	Monitor/Confer with the City

