

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB512

Hearing Date: Monday March 01, 2021
Committee On: Business and Labor
Introducer: Brewer
One Liner: Adopt the Critical Infrastructure Utility Worker Protection Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Blood, Gragert, Halloran, Hansen, B., Hansen, M., Hunt, Lathrop
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Javier Fernandez
Mary Jacobson
Susan Martin

Representing:

Omaha Public Power District
US Infrastructure Company
Nebraska State AFL-CIO

Opponents:

Major General Douglas Bohac
Angie Ling

Representing:

Nebraska Emergency Management Agency
Department of Health and Human Services

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Tip O'Neill

Representing:

Nebraska Telecommunications Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

SUMMARY:

Known as the Critical Infrastructure Utility Worker Protection Act, LB512 would provide critical infrastructure workers with priority access to protective equipment and health services in the event of an emergency involving a severe threat to human health.

SECTION BY SECTION SUMMARY:

Sec. 1: This act shall be cited as the Critical Infrastructure Utility Worker Protection Act

Sec. 2: Civil defense emergency: an emergency declared by the President of the United States or Congress pursuant to applicable federal law finding that an attack upon the United States has occurred or is anticipated and that the national safety therefore requires the invocation of the emergency authority provided for by federal law. Civil defense emergency also means an enemy attack or other hostile action within the State of Nebraska or a determination by the President of the United States that any attack has been made upon or is anticipated within a designated geographic area which includes all or a part of the State of Nebraska. Any such emergency shall terminate in the manner provided by federal law or by proclamation of the Governor or resolution of the Legislature terminating such emergency; Critical infrastructure utility worker means any person employed in the state by a utility to engineer, construct, repair, maintain, manage, and operate a utility system, including operations relating to the reliability, resilience, safety, security, environmental health, and physical and cyber security of such utility system.

Disaster means any event or the imminent threat thereof causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause.

Emergency means any event or the imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which, in the determination of the Governor or the principal executive officer of a local government, requires immediate action to accomplish the purposes of the Emergency Management Act and to effectively respond to the event or threat of the event.

Priority access means access at least equal to that provided to hospital and medical personnel, law enforcement personnel, or other emergency responders

Utility means any legal entity, including a political subdivision, that owns or operates a utility system, or any part thereof, in this state;

Utility system means the physical and cyber assets and infrastructure used in providing utility services to wholesale or retail customers. Utility system includes electrical, gas, water, steam, sewage, and telecommunications services

Sec. 3: The purpose of the act is to provide workers with the protection and services needed to perform their jobs during any civil defense emergency, disaster, or emergency. As well as authorizing federal and state financial aid for these workers during an emergency.

Sec. 4: Utilities shall maintain a list of critical infrastructure utility workers by position description without listing individual names. The list shall not be deemed a public record subject to disclosure but shall be made available to the Nebraska Emergency Management Agency upon request

Sec. 5: In an emergency the Governor shall ensure that these workers are provided priority access to personal protective equipment, medical screening, testing, preventive health services, medical treatment, and the administration of vaccines approved by the federal Food and Drug Administration. Provide funds from the Governor's Emergency Program to assure the adequate protection and care of the workers; and take all necessary measures to provide available federal funds for the adequate protection and care of the workers.

Sec. 6: Emergency Clause

AMENDMENT:

AM1620 strikes the emergency clause in section 6. It also redefines Critical infrastructure utility worker in section 2 to mean an essential critical infrastructure worker as identified in the Guidance on the Essential Critical Infrastructure Workforce, Version 4.0, as released on 7 August 18, 2020, by the United States Department of Homeland Security Cybersecurity and Infrastructure Security Agency. Finally AM1620 adds the words "in accordance with federal law and regulations regarding eligibility" in section 5 when referring to applying available federal funds to workers. Effectively ending the state funding of the act.

Explanation of amendments:

AM1620 strikes the emergency clause in section 6. It also redefines Critical infrastructure utility worker in section 2 to mean an essential critical infrastructure worker as identified in the Guidance on the Essential Critical Infrastructure Workforce, Version 4.0, as released on 7 August 18, 2020, by the United States Department of Homeland Security Cybersecurity and

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Ben Hansen, Chairperson