

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 267

Introduced by Brewer, 43; McDonnell, 5.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to emergency response; to adopt the Critical
- 2 Infrastructure Utility Worker Protection Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and may be
2 cited as the Critical Infrastructure Utility Worker Protection Act.

3 Sec. 2. For purposes of the Critical Infrastructure Utility Worker
4 Protection Act, unless the context otherwise requires:

5 (1) Civil defense emergency has the same meaning as in section
6 81-829.39;

7 (2) Critical infrastructure utility worker means an essential
8 critical infrastructure worker identified in the Guidance on the
9 Essential Critical Infrastructure Workforce, Version 4.1, as released on
10 August 5, 2021, by the United States Department of Homeland Security
11 Cybersecurity and Infrastructure Security Agency;

12 (3) Disaster has the same meaning as in section 81-829.39;

13 (4) Emergency has the same meaning as in section 81-829.39;

14 (5) Priority access means access at least equal to that provided to
15 hospital and medical personnel, law enforcement personnel, or other
16 emergency responders;

17 (6) Utility means any legal entity, including a political
18 subdivision, that owns or operates a utility system, or any part thereof,
19 in this state; and

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

24 Sec. 3. The purposes of the Critical Infrastructure Utility Worker
25 Protection Act are to:

26 (1) Provide for protection of critical infrastructure utility
27 workers during any civil defense emergency, disaster, or emergency;

28 (2) Provide priority access to personal protective equipment;
29 medical screening, testing, and preventative health services; medical
30 treatment; and the administration of vaccines for critical infrastructure
31 utility workers in the event of an emergency involving a severe threat to

1 human health; and

2 (3) Authorize federal and state financial aid for critical
3 infrastructure utility workers during any civil defense emergency,
4 disaster, or emergency involving a severe threat to human health.

5 Sec. 4. Utilities shall maintain a list of critical infrastructure
6 utility workers by position description without listing individual names.
7 The list shall not be deemed a public record subject to disclosure
8 pursuant to sections 84-712 to 84-712.09, but shall be made available to
9 the Nebraska Emergency Management Agency upon request. The list shall be
10 kept confidential by the agency.

11 Sec. 5. In the event of any civil defense emergency, disaster, or
12 emergency involving a severe threat to human health, the Governor shall:

13 (1) Ensure that critical infrastructure utility workers are provided
14 priority access to personal protective equipment, medical screening,
15 testing, preventive health services, medical treatment, and the
16 administration of vaccines approved by the federal Food and Drug
17 Administration; and

18 (2) Take all necessary measures to provide available federal funding
19 for the adequate protection and care of critical infrastructure utility
20 workers in accordance with federal law and regulations regarding
21 eligibility for such funding.