

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 489

Introduced by Brandt, 32.

Read first time January 21, 2025

Committee:

- 1 A BILL FOR AN ACT relating to electricity; to amend section 70-1012,
- 2 Revised Statutes Cumulative Supplement, 2024; to prohibit certain
- 3 entities from operating, maintaining, constructing, or acquiring
- 4 transmission lines and related facilities; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 70-1012, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 70-1012 (1) Before any electric generation facilities or any
4 transmission lines or related facilities carrying more than seven hundred
5 volts are constructed or acquired by an electric any supplier as defined
6 in section 70-1001.01, an application, filed with the board and
7 containing such information as the board shall prescribe, shall be
8 approved by the board, except that such approval shall not be required
9 (a) for the construction or acquisition of a transmission line extension
10 or related facilities within a supplier's own service area or for the
11 construction or acquisition of a line not exceeding one-half mile outside
12 its own service area when all owners of electric lines located within
13 one-half mile of the extension consent thereto in writing and such
14 consents are filed with the board, (b) for any generation facility when
15 the board finds that (i) such facility is being constructed or acquired
16 to replace a generating plant owned by an individual municipality or
17 registered group of municipalities with a capacity not greater than that
18 of the plant being replaced, (ii) such facility will generate less than
19 twenty-five thousand kilowatts of electric energy at rated capacity, and
20 (iii) the applicant will not use the plant or transmission capacity to
21 supply wholesale power to customers outside the applicant's existing
22 retail service area or chartered territory, (c) for acquisition of
23 transmission lines or related facilities, within the state, carrying one
24 hundred fifteen thousand volts or less, if the current owner of the
25 transmission lines or related facilities notifies the board of the lines
26 or facilities involved in the transaction and the parties to the
27 transaction, or (d) for the construction of a qualified facility as
28 defined in section 70-2002.

29 (2)(a) Before any electric supplier commences construction of or
30 acquires an electric generation facility or transmission lines or related
31 facilities carrying more than seven hundred volts that will be located

1 within a ten-mile radius of a military installation, the owner of such
2 proposed facility, transmission lines, or related facilities shall
3 provide written notice certifying to the board that such facility or
4 facilities contain no materials, electronics, or other components
5 manufactured by any foreign government or foreign nongovernment person
6 determined to be a foreign adversary pursuant to 15 C.F.R. 791.4 7-4.

7 (b) Any electric supplier supplying, producing, or distributing
8 electricity within the state for sale at retail is exempt from
9 subdivision (a) of this subsection if it is in compliance with the
10 critical infrastructure protection requirements issued by the North
11 American Electric Reliability Corporation. To receive such exemption, the
12 electric supplier shall submit written notice to the board certifying
13 that it is in such compliance. The electric supplier shall also submit
14 written notice to the board at any time such supplier is no longer in
15 such compliance.

16 (3) A privately developed renewable energy generation facility is
17 exempt from this section if it complies with section 70-1014.02.

18 (4) An entity that is not a public power district organized under
19 Chapter 70, article 6, a public power and irrigation district, a
20 municipality, a registered group of municipalities, an electric
21 cooperative, an electric membership association, a joint entity formed
22 under the Interlocal Cooperation Act, a joint public agency formed under
23 the Joint Public Agency Act, an agency formed under the Municipal
24 Cooperative Financing Act, or any other governmental entity providing
25 electric service shall be prohibited from operating, maintaining,
26 constructing, or acquiring any transmission line or related facility
27 carrying more than seven hundred volts within the state. This subsection
28 shall not apply to any transmission lines operated, maintained,
29 constructed, or acquired within the state prior to the effective date of
30 this act.

31 **Sec. 2.** Original section 70-1012, Revised Statutes Cumulative

1 Supplement, 2024, is repealed.