

ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026
COMMITTEE STATEMENT
LB1096

Hearing Date: Thursday February 05, 2026
Committee On: Judiciary
Introducer: Bostar
One Liner: Adopt the Preventing Lethal Agricultural and National Threats Act and the Critical Infrastructure Protection Act, authorize the withholding of records relating to critical water infrastructure, and provide civil and criminal penalties

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

Vote Results:

Aye:	5	Senators Bosn, Hallstrom, Holdcroft, Storer, Storm
Nay:	3	Senators DeBoer, McKinney, Rountree
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Eliot Bostar
Joe Kelly
Jessica Shelburn
Elizabeth Elliott
Michael Lucci
Jackie Deal
Rob Pierce

Representing:

Opening Presenter
Lt. Governor
Nebraska Department of Agriculture
City of Lincoln
State Armor Action
State Armor
State Armor

Opponents:

Tip O'Neill
Jeremy Crandall
Grant Leach
Timothy Pospisil
Jon Becker
Hunter Traynor

Representing:

Nebraska Telecommunications Association
CTIA
Nebraska Advocacy Group
Nebraska Public Power District
Viaero Wireless
Nebraska Chamber of Commerce & Industry; Greater Omaha Chamber

Neutral:

Ryan McIntosh

Matthew Gregory
Jessica Kolterman

Representing:

Nebraska Bankers Association; Nebraska State Volunteer Firefighters Association
Nebraska Farmers Union
Lincoln Premium Poultry

* ADA Accommodation Written Testimony



Summary of purpose and/or changes:

LB 1096 adopts the Preventing Lethal Agricultural and National Threats Act and the Critical Infrastructure Protection Act. Such acts are designed to protect agricultural and critical infrastructure from foreign adversary threats by establishing criminal penalties for unauthorized importation of high-risk agricultural pathogens, restricting foreign adversary access to critical infrastructure and sensitive technologies, and designating enforcement to the Attorney General. This bill also updates public records law to allow the withholding of sensitive infrastructure information and creates civil penalties on communications providers that fail to comply with equipment restrictions.

Section by Section:

Section 1: This section provides that sections 1 to 5 of this act shall be known and may be cited as the Preventing Lethal Agricultural and National Threats Act (Act).

Section 2: This section defines "department" and "high-risk agricultural pathogen or pest" for purposes of the Act.

Section 3: This section prohibits knowingly importing into this state a high-risk agricultural pathogen or pest, or doing so with a conscious disregard of a substantial or unjustifiable risk to cause significant harm to crops, livestock, or agricultural ecosystems. Such importation of a high-risk agricultural pathogen or pest may only occur by permit or authorization from the Department of Agriculture.

Section 4: This section provides penalties for violations of the Act. Specifically, a violation of section 3 is Class III felony except that a violation of section 3 is a Class IIA felony if it involves concealment of the origin of the high-risk pathogen, is committed by a person acting on behalf or funded by a foreign government, or results in actual economic damage exceeding one million dollars.

Section 5: This section provides that the Department of Agriculture may adopt and promulgate rules and regulations that designate agents, toxins, or organisms as high-risk if capable of causing significant harm and rules and regulations to otherwise carry out the Act.

Section 6: This section provides sections 6 to 13 of this act shall be known and may be cited as the Critical Infrastructure Protection Act (Act).

Section 7: This section states that the purpose of the Act is protecting critical infrastructure in Nebraska by prohibiting foreign adversaries from accessing state critical infrastructure, assessing Nebraska's vulnerability to sanctioned communications equipment, and prohibiting the use of foreign adversary technologies in Nebraska transportation systems.

Section 8: This section defines "company", "critical infrastructure", "cybersecurity", "domicile", "foreign adversary", "foreign principal", and "software" for purposes of the Act.

Section 9: This section provides restrictions on companies and government entities entering into agreements with foreign principals if the agreement would allow the foreign principal to directly or remotely access or control critical infrastructure in this state. Notwithstanding the provisions of this section, a contract or agreement may be entered into if there is no other reasonable option for addressing the need, if the contract is preapproved by the Attorney General, and if not entering into the contract or agreement would pose a greater threat to the state than the threat associated with the entering into the contract.

Section 10: This section provides that in order to access critical infrastructure, a company shall annually file a



registration form with and pay a fee to the Attorney General with such fee amount to be set by the Attorney General sufficient to cover the cost of administration. This section also provides requirements to qualify for access to critical infrastructure, including prohibiting access by all employees that will have access, performing criminal history records checks on all identified employees, identifying foreign nationals of a foreign adversary, disclosing affiliation with entities not domiciled in the U.S., storing and processing all data generated on servers outside of the foreign adversaries, not using cloud service providers or data centers of foreign adversaries, immediately reporting all cyber-attacks, and maintaining compliance with the Act.

Section 11: This section provides notification requirements and the Attorney General's and Court's role regarding the sale, transfer, or investment in critical infrastructure to or by a person or entity domiciled outside of the U.S.

Section 12: This section prohibits use of software used in critical infrastructure in Nebraska produced by a company headquartered in and subject to the laws of a foreign adversary or a company under its control.

Section 13: This section establishes that on or after September 1, 2026, the Attorney General shall create a public list of prohibited network-connected technologies that shall not be connected to critical infrastructure operating networks. Such list may include school bus infraction detection devices, speed detection systems, traffic infraction detectors, traffic enforcement camera systems, video surveillance technologies, light detection and ranging technologies, batteries, routers, modems, smart meters, solar inverters, solar panels, and cryptocurrency mining devices. This section also prohibits government entities from knowingly adding any prohibited network-connected technology, or renewing a contract with certain listed vendors on or after September 1, 2026.

Section 14: Amends section 84-712.05 to add the term "critical water infrastructure" as a specific type of physical or cyber asset.

Section 15: Amends section 86-125 to require the Attorney General to assess a civil penalty of up to \$10,000 per day against any communications service provider for a violation of subdivision (4)(c) of this section. The standard of proof for proving such violation is clear and convincing evidence.

Section 16: Severability clause

Section 17: Repealer

Explanation of amendments:

The committee adopted AM 2313 and AM 2585 to LB 1096 which were incorporated into a white copy committee amendment (AM 2726). Original sections 6 to 13 of LB 1096 were removed by AM 2726.

Section by Section Summary of AM 2726:

Section 1: This section provides that sections 1 to 5 of this act shall be known and may be cited as the Preventing Lethal Agricultural and National Threats Act (Act).

Section 2: This section defines "department" and "high-risk agricultural pathogen or pest" for purposes of the Act.

Section 3: This section prohibits knowingly importing into this state a high-risk agricultural pathogen or pest, or doing so with a conscious disregard of a substantial or unjustifiable risk to cause significant harm to crops, livestock, or agricultural ecosystems. This section allows a person to import a high risk agricultural pathogen or pest if such person



possesses a permit or authorization from the Department of Agriculture or the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Section 4: This section provides penalties for violations of the Act. A violation of section 3 is Class III felony, except that a violation of section 3 is a Class IIA felony if it involves concealment of the origin of the high-risk pathogen, is committed by a person acting on behalf or funded by a foreign government, or results in actual economic damage exceeding one million dollars.

Section 5: This section provides that the Department of Agriculture may adopt and promulgate rules and regulations that designate agents, toxins, or organisms as high-risk if capable of causing significant harm and rules and regulations to otherwise carry out the Act.

Section 6: A new section that defines "critical infrastructure" to mean the 911 system, a communication infrastructure system, a cybersecurity system, a high volume electric grid, a hazardous waste treatment system, or a water treatment facility. "Governmental entity" is also defined in this section to mean any agency, department, board, commission, or political subdivision of the state that owns, operates, manages, or provides oversight for critical infrastructure. "Foreign principal", "company", "cybersecurity", and "foreign adversary" are also defined. The definition of software is removed from this section. This section provides that companies and government entities shall not knowingly enter into a contract or other agreement relating to critical infrastructure in this state with a company that is a foreign principal if the contract would allow the foreign principal to directly or remotely access or control critical infrastructure in this state. However, this section does provide that a company or other entity may enter into a contract or agreement relating to critical infrastructure with a foreign principal if there is no other reasonable option for addressing the need, and if not entering into such contract or agreement would pose a greater threat to the state than that associated with the contract or or agreement.

Section 7: Amends section 49-1480 of the Nebraska Political Accountability and Disclosure Act relating to a consultant for a Chinese military company to define "consultant" to mean any person who engages in informing or advising any other person regarding the policies of the State of Nebraska or the political or public interest, policies, or relations of a foreign country or of a foreign political party.

Section 8: Amends section 77-3,114 to redefine "foreign adversarial company" and define "group of companies" to mean each person that is or would otherwise be a member of the same unitary group if incorporated. "Indirect subsidiary" is defined to mean a company owned by another company through one or more intermediary companies rather than through direct ownership. As amended, this section further provides that any company that is not a foreign adversarial company shall only use benefits against income taxes of the members of the same group of companies that are not foreign adversarial companies. The tax liability attributed to members of the unitary group that are foreign adversarial companies shall be determined using the apportionment formula used to determine the amount of tax due.

Sections 9, 10, and 11: Amends sections 77-27,187.02, 77-5723, and 77-6827 to provide that no incentives shall be given to a foreign adversarial company as defined in section 77-3,114.

Section 12: Amends section 84-712.05 to add "critical water infrastructure", and "critical telecommunications and broadband infrastructure" as specific types of physical or cyber assets and harmonizes language.

Section 13: Amends section 86-125 to provide that the Public Service Commission shall, rather than may, pursuant to section 75-156, administratively fine any communications provider which violates subdivision (4)(c) of this section. The commission may, pursuant to section 75-156, administratively fine any communications provider which violates any other provision of this section. Finally, beginning November 8, 2026, in addition to other penalties and relief



provided by law, the Attorney General shall assess a civil penalty of up to ten thousand dollars per day against any communications provider that fails to submit the annual certification required under this section or is unable to certify that its network is free of covered communications equipment and services pursuant to subdivision (4)(c) of this section.

Section 14: Severability clause

Section 15: Repealer

Carolyn Bosn, Chairperson

