

**ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB43**

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**Hearing Date:** Wednesday January 22, 2025  
**Committee On:** Natural Resources  
**Introducer:** DeKay  
**One Liner:** Change provisions relating to notice and certification requirements for electric generation facilities, transmission lines, and privately developed renewable energy generation facilities located near military installations

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

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**Vote Results:**

**Aye:** 8 Senators Brandt, Clouse, Conrad, DeKay, Hughes, Juarez, Moser, Raybould  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Testimony:**

**Proponents:**

Senator Barry DeKay  
James Dukesherer  
Tim Texel

**Representing:**

Opening Presenter  
Nebraska Rural Electric Association  
Nebraska Power Review Board

**Opponents:**

Seth Voyles

**Representing:**

Omaha Public Power District

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 43 would update provisions of Chapter 70, article 10, administered by the Nebraska Power Review Board relating to the regulation of electronic-related equipment and components manufactured by foreign governments or foreign nongovernment persons determined to be federally-designated foreign adversaries pursuant to federal regulations.

In addition to new construction, this legislation would apply such regulations to encompass reconstruction, alterations, upgrades, repairs, maintenance, or installs of new or replacement electronic-related equipment and electronic-related components located in close proximity to applicable military installations as defined.

LB43 would also authorize electric suppliers located within close proximity of an applicable military installation to submit a one-time written notice to the Nebraska Power Review Board certification that the facility is continually



operating in compliance with the requirements of this act. LB43 identifies that an applicable military installation would include United States Air Force bases like Offutt Air Force Base [see 31 C.F.R. 802.227(c) as such regulation existed on January 1, 2025]; and United States Air Force ballistic missile silos defined in 31 C.F.R. 802.211(b)(3) as such regulation existed on January 1, 2025.

Section by section

Sec. 1 Definitions updated and added.

Sec. 2 Amends Section 70-1012 regarding actions triggering need for certification that materials or equipment at a facility within a 10-mile radius of a military installation does not and will not contain any components manufactured by any foreign adversary government or nongovernment person determined to be an adversary under federal regulations as of January 1, 2025, and outlining steps for compliance reporting and certification requirements and critical exemptions.

Sec. 3 Amends Section 70-1014.02 regarding certification content requirements.

Sec. 4 Amends Section 70-1015 to add certification in addition to notice.

Sec. 5 Repealer.

Sec. 6 Emergency Clause.

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**Explanation of amendments:**

AM 43 to LB 43 inserts the language "modifications to" after the word "that" on line 7 of page 6 of the bill to clarify that the certification provides that no electronics manufactured or supplied by the identified foreign adversaries will be contained in modifications to the electronic equipment in a facility and clarifies that the requirement includes electronic-related components.

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Tom Brandt, Chairperson

