

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1026

Introduced by Storm, 23; Clouse, 37; DeKay, 40; Sorrentino, 39; Strommen, 47.

Read first time January 13, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to electricity; to amend section 70-1001.01,
2 Revised Statutes Supplement, 2025; to define a term; to prohibit
3 retirement, shutdown, cessation of operation, and alteration of
4 operation of certain facilities as prescribed; to harmonize
5 provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 70-1001.01, Revised Statutes Supplement, 2025, is
2 amended to read:

3 70-1001.01 For purposes of sections 70-1001 to 70-1028.02 and
4 section 2 of this act, unless the context otherwise requires:

5 (1) Board means the Nebraska Power Review Board;

6 (2) Commercial electric vehicle charging station means equipment
7 designed to provide electricity for a fee for the charging of an electric
8 vehicle or a plug-in hybrid electric vehicle, including an electric
9 vehicle direct-current charger or a super-fast charger, any successor
10 technology, and all components thereof. Commercial electric vehicle
11 charging station does not include the residence of a person where an
12 electric vehicle or a plug-in hybrid electric vehicle is charged if no
13 customer usage fee is charged;

14 (3) Commercial electric vehicle charging station operator means a
15 person, partnership, corporation, or other business entity or political
16 subdivision that operates a commercial electric vehicle charging station;

17 (4) Direct-current, fast-charging station means a publicly available
18 charging system capable of delivering at least fifty kilowatts of direct-
19 current electrical power to an electric vehicle's rechargeable battery at
20 a voltage of two hundred volts or greater;

21 (5) Direct-current, fast-charging station operator means a person,
22 partnership, corporation, or other business entity that operates a
23 direct-current, fast-charging station open to the public. The term does
24 not include an electric supplier or a political subdivision;

25 (6) Electric supplier or supplier of electricity means any legal
26 entity supplying, producing, or distributing electricity within the state
27 for sale at wholesale or retail. Electric supplier does not include a
28 commercial electric vehicle charging station operator that is a private
29 person or privately owned partnership, privately owned corporation, or
30 other privately owned business;

31 (7) Electronic-related means relating to electronic devices,

1 circuits, or similar systems, or the components of such electronic
2 devices, circuits, or similar systems, that require electrical currents
3 or electromagnetism to operate;

4 (8) Foreign adversary means a foreign government or foreign
5 nongovernment person determined to be a foreign adversary pursuant to 15
6 C.F.R. 791.4, as such regulation existed on February 7, 2025;

7 (9) Military installation means:

8 (a) A United States Air Force ballistic missile silo located within
9 the geographic area described in 31 C.F.R. 802.211(b)(3), as such
10 regulation existed on January 1, 2025; or

11 (b) A United States Air Force base described in 31 C.F.R.
12 802.227(c), as such regulation existed on January 1, 2025;

13 (10) Plug-in hybrid electric vehicle has the same meaning as in
14 section 60-345.01;

15 (11) Private electric supplier means an electric supplier producing
16 electricity from a privately developed renewable energy generation
17 facility that is not a public power district, a public power and
18 irrigation district, a municipality, a registered group of
19 municipalities, an electric cooperative, an electric membership
20 association, any other governmental entity, or any combination thereof. A
21 private electric supplier is limited to the development of those
22 facilities as provided in subdivision (12) of this section;

23 (12) Privately developed renewable energy generation facility means
24 and is limited to a facility that (a) generates electricity using solar,
25 wind, geothermal, biomass, landfill gas, or biogas, including all
26 electrically connected equipment used to produce, collect, and store the
27 facility output up to and including the transformer that steps up the
28 voltage to sixty thousand volts or greater, and including supporting
29 structures, buildings, and roads, unless otherwise agreed to in a joint
30 transmission development agreement, (b) is developed, constructed, and
31 owned, in whole or in part, by one or more private electric suppliers,

1 and (c) is not wholly owned by a public power district, a public power
2 and irrigation district, a municipality, a registered group of
3 municipalities, an electric cooperative, an electric membership
4 association, any other governmental entity, or any combination thereof;

5 (13) Regional transmission organization means an entity independent
6 from those entities generating or marketing electricity at wholesale or
7 retail, which has operational control over the electric transmission
8 lines in a designated geographic area in order to reduce constraints in
9 the flow of electricity and ensure that all power suppliers have open
10 access to transmission lines for the transmission of electricity;

11 (14) Reliable or reliability means the ability of an electric
12 supplier to supply the aggregate electric power and energy requirements
13 of its electricity consumers in Nebraska at all times under normal
14 operating conditions, taking into account scheduled and unscheduled
15 outages, including sudden disturbances or unanticipated loss of system
16 components that are to be reasonably expected for any electric utility
17 following prudent utility practices, recognizing certain weather
18 conditions and other contingencies may cause outages at the distribution,
19 transmission, and generation level;

20 (15) Representative organization means an organization designated by
21 the board and organized for the purpose of providing joint planning and
22 encouraging maximum cooperation and coordination among electric
23 suppliers. Such organization shall represent electric suppliers owning a
24 combined electric generation plant accredited capacity of at least ninety
25 percent of the total electric generation plant accredited capacity
26 constructed and in operation within the state;

27 (16) State means the State of Nebraska; and

28 (17) Unbundled retail rates means the separation of utility bills
29 into the individual price components for which an electric supplier
30 charges its retail customers, including, but not limited to, the separate
31 charges for the generation, transmission, and distribution of

1 electricity.

2 **Sec. 2.** (1) An electric supplier shall not retire, shutdown, cease
3 operation of, or substantially alter the operation of any electric
4 generation facility or privately developed renewable energy generation
5 facility if the electric supplier has customers waiting for electric
6 service unless such retirement, shutdown, cessation, or alteration is due
7 to any of the following reasons:

8 (a) The facility's retirement, shutdown, cessation, or alteration is
9 mandated by federal or state law;

10 (b) The facility is mechanically unsafe to operate;
11 (c) The facility is damaged beyond repair due to a natural disaster;

12 or

13 (d) Continuing operation of the facility is uneconomical.

14 (2) Before the retirement, shutdown, cessation, or alteration can
15 occur, the governing body of the electric supplier shall identify the
16 reasons for the retirement, shutdown, cessation, or alteration in a
17 resolution and such resolution shall include at least one of the reasons
18 described in subsection (1) of this section.

19 **Sec. 3.** Original section 70-1001.01, Revised Statutes Supplement,
20 2025, is repealed.