

AMENDMENTS TO LB 235

(Amendments to Standing Committee amendments, AM681)

Introduced by Adams, 24

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Leases involving the production of solar or
4 wind energy on school lands shall be governed by sections 1 to 4 of
5 this act.

6 Sec. 2. For purposes of sections 1 to 4 of this act:

7 (1) Board means the Board of Educational Lands and Funds;

8 (2) Lease means any lease, easement, covenant, or other
9 such contractual arrangement authorized by the board pursuant to
10 sections 1 to 4 of this act; and

11 (3) Lessee means any individual, corporation, or other
12 entity that enters into a lease with the board pursuant to sections
13 1 to 4 of this act.

14 Sec. 3. The board may authorize leases for the production
15 of solar or wind energy on school lands for such durations
16 and under such terms and conditions as the board shall deem
17 appropriate, except that the initial term for any such wind energy
18 lease shall not exceed forty years. In making such determinations,
19 the board shall consider comparable arrangements involving other
20 lands similarly situated and any other relevant factors bearing
21 upon such leases. Any such lease authorized by the board shall be
22 created in writing and shall be filed, duly recorded, and indexed

1 in the office of the register of deeds of the county in which the
2 real property subject to the lease is located. Such leases shall
3 include, as applicable, the contents specified in sections 66-911
4 and 66-911.01.

5 Sec. 4. The board may adopt and promulgate such rules
6 and regulations as it shall deem necessary to regulate the leases
7 authorized in sections 1 to 4 of this act and to prescribe such
8 terms and conditions of such leases as it shall deem necessary
9 to protect the interests of the state. Failure of the lessee to
10 utilize the land for the purpose for which the land was leased
11 shall be cause for cancellation of the lease.

12 Sec. 5. Section 72-204, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 72-204 The Board of Educational Lands and Funds shall
15 cause school land to be classified for rental purposes (1) at least
16 once each five years, (2) each time that the land is leased or that
17 an assignment of a lease is made, and (3) when the board deems it
18 to be in the best interest of the state. The leasing of the land
19 shall be ~~regulated~~ governed by sections 72-232 to 72-239, except
20 that leases involving the production of solar or wind energy on
21 school lands shall be governed by sections 1 to 4 of this act.

22 When a lease is offered for sale, the new rental shall be made
23 public. When the board has ordered the reclassification of any of
24 the school lands in any county, it shall prescribe the method and
25 promulgate rules governing the classification of educational lands.
26 It shall have a classification of all the educational lands in the
27 county prepared by a competent person, who shall make a detailed

1 field examination of each forty-acre tract of educational lands
2 for the purpose of obtaining information as to the type and rating
3 of the soil, its adaptability, the topographical character of the
4 land, and the location and number of acres of each type. His or her
5 report of such field examination shall be prepared in the form of
6 a detailed map with complete explanations and shall be filed with
7 the board. The board may employ private appraisal firms to aid it
8 in determining the value of educational lands.

9 Sec. 6. Original section 72-204, Reissue Revised Statutes
10 of Nebraska, is repealed.