

AMENDMENTS TO LB 568

Introduced by Natural Resources.

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

3 Section 1. For purposes of sections 1 to 4 of this act:

4 (1) Decommissioning security means a security instrument
5 that is posted or given prior to construction by the wind developer
6 to ensure sufficient funding is available for removal of a wind
7 energy conversion system and reclamation at the end of the useful
8 life of such a system; and

9 (2) Wind agreement means a right, whether or not stated
10 in the form of a restriction, easement, covenant, or condition,
11 in any deed, wind easement, wind option, or lease or lease option
12 securing land for the study or production of wind generated energy
13 or any other instrument executed by or on behalf of any owner of
14 land or air space for the purpose of allowing another party to
15 study the potential for, or to develop, a wind energy conversion
16 system as defined in section 66-909.02 on the land or in the air
17 space.

18 Sec. 2. A wind agreement shall run with the land
19 benefited and burdened and shall terminate upon the conditions
20 stated in the wind agreement, except that the initial term of a
21 wind agreement shall not exceed fifty years. A wind agreement shall
22 terminate if development of a wind energy conversion system as
23 defined in section 66-909.02 has not commenced within ten years

1 after the effective date of the wind agreement, except that this
2 period may be extended by mutual agreement of the parties to the
3 wind agreement.

4 Sec. 3. A wind agreement shall comply with section
5 66-911.01.

6 Sec. 4. No interest in any resource located on a tract of
7 land and associated with the production or potential production of
8 wind generated energy on the tract of land may be severed from the
9 surface estate, except that such interests may be granted for an
10 initial period not to exceed fifty years.

11 Sec. 5. Section 66-911.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 66-911.01 An instrument creating a lease land right or
14 an option to lease secure a land right in real property or the
15 vertical space above real property for a solar energy system or for
16 a wind energy conversion system or for wind measurement equipment
17 shall be created in writing and the instrument, or an abstract,
18 shall be filed, duly recorded, and indexed in the office of the
19 register of deeds of the county in which the real property subject
20 to the easement instrument is located. ~~An instrument creating a~~
21 ~~lease or an option to lease real property or the vertical space~~
22 ~~above real property for wind measuring equipment may be created in~~
23 ~~writing and may be filed, duly recorded, and indexed in the office~~
24 ~~of the register of deeds of the county in which the real property~~
25 ~~subject to the easement is located. Such lease or lease option~~
26 ~~document~~ The instrument shall include, but the contents are not
27 limited to:

- 1 (1) The names of the parties;
- 2 (2) A legal description of the real property involved;
- 3 (3) The nature of the interest created;
- 4 (4) The consideration paid for the transfer; and
- 5 (5) A description of the improvements the developer
6 intends to make on the real property, including, but not limited
7 to: Roads; transmission lines; substations; wind turbines; and
8 meteorological towers;
- 9 (6) A description of any decommissioning security as
10 defined in section 1 of this act or local requirements related to
11 decommissioning; and
- 12 ~~(5)~~ (7) The terms or conditions, if any, under which the
13 interest may be revised or terminated.

14 Sec. 6. Original section 66-911.01, Reissue Revised
15 Statutes of Nebraska, is repealed.