

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB561**

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**Hearing Date:** Wednesday February 18, 2009  
**Committee On:** Natural Resources  
**Introducer:** Lathrop  
**One Liner:** Provide for restriction of eminent domain for wind energy projects

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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 Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Senator Steve Lathrop  
Tom Richards

John McClure  
Mike Donahue  
Senator Chris Langemeier  
Greg Van Dyke  
Bruce Lemke  
Bob Hallstrom

Tom Richards  
Darrel Hayek

**Representing:**

Introducer  
Omaha Public Power District, Nebraska Power Association  
Nebraska Public Power District  
Midwest Wind Energy  
(AM769) Introducer  
(AM769) Self  
(AM769) Self  
(AM769) Nebraska Bankers Association, Nebraska Chamber of Commerce and Industry, Greater Omaha Chamber of Commerce  
(AM769) Omaha Public Power District  
(AM769) Self

**Opponents:**

Keith Dittrich  
John K. Hansen  
Cap Dierks  
Robert Byrnes  
John Hansen  
Senator Cap Dierks  
John Dittrich  
Wayne Frost  
Jerry Stodola  
Roy Zach  
Gale Lush  
Graham Christiansen  
Diane Schroeder

**Representing:**

American Corn Growers Association  
Nebraska Farmers Union  
Self  
Nebraska Renewable Energy Systems  
(AM769) Nebraska Farmers Union  
(AM769) Self  
(AM769) Self  
(AM769) Central Nebraska Ranchers  
(AM769) Independent Cattlemen of Nebraska  
(AM769) Self  
(AM769) Nebraska Farmers Union  
(AM769) Self  
(AM769) Nebraska Environmental Action Coalition

**Neutral:**  
Ken Winston  
Doug Ewald

**Representing:**  
Nebraska Sierra Club  
(AM769) Department of Revenue

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

LB 561 allows a public power district to limit its exercise of eminent domain to acquire wind projects.

Section 1 amends Section 70-670, relating to public power eminent domain procedure, by allowing a public power district to agree to limit its eminent domain power to acquire a renewable energy generation facility producing electricity with wind.

Section 2 repeals the original section.

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**Explanation of amendments:**

AM 1210 puts LB 471 into the bill. The Natural Resources Committee advanced LB 471 to General File with no dissenting votes, but the bill does not have a priority status.

LB 471 allows the Power Review Board to consider applications from government entities for renewable energy electric facilities. The bill was introduced to encourage public entities to become involved in developing renewable energy generation facilities.

Section 1 amends Section 70-1014.01, relating to approval criteria for special electric generation applications, by allowing the filing of an application with the Power Review Board by a governmental entity for a facility that will generate more than 10,000 kilowatts of electric energy using renewable energy sources, including solar, wind, biomass, landfill gas, methane gas, or new hydropower generation or other emerging technology. The application must show that total production does not exceed 10% of the total energy sales indicated in the "Annual Electric Power Industry Report to the United States Department of Energy" and the applicant's governing body must hold one advertised public hearing.

The board is to approve the application if: renewable energy sources are used, total production from all renewable projects of the applicant does not exceed 10% of total energy sales, and the governing body has held at least one advertised public hearing.

The bill also allows a C-BED, renewable energy project for sale to a Nebraska electric utility to make an application to the board as long as the utility conducts a public hearing and the power and energy from the renewable energy sources is sold exclusively to a utility for a term of at least 20 years.

Section 2 repeals the original section.

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Chris Langemeier, Chairperson