

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB916

Hearing Date: Monday January 25, 2010
Committee On: Education
Introducer: Heidemann
One Liner: Authorize leases on school lands for solar and wind energy production

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Lavon Heidemann
John Bonaiuto
Jerry Hoffman

Representing:

Introducer
Nebraska Association of School Boards
Nebraska State Educators Association

Opponents:

Representing:

Neutral:

Jessica Kolterman

Representing:

Nebraska Farm Bureau Federation

Summary of purpose and/or changes:

Legislative Bill 916 would allow the Board of Educational Lands and Funds to authorize leases for the production of wind or solar energy on educational trust lands.

Section 1 of the bill states that leases authorized by the board for production of wind or solar energy shall be governed by sections 1 through 4 of the bill.

Section 2 defines terms for purposes of the act.

Section 3 sets forth terms and conditions under which the board may authorize leases for wind or solar energy production. The board could authorize leases for the production of solar or wind energy on school lands for such durations and under such terms and conditions as the board would deem appropriate, except that the initial term for any such wind energy lease could not exceed forty years. In making such determinations, the board would be required to consider comparable arrangements involving other lands similarly situated and any other relevant factors bearing upon such leases. Any such lease authorized by the board would have to be created in writing and be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the lease is located. Such leases would include, as applicable, the contents specified in sections 66-911 and 66-911.01 for wind and solar easements and land rights.

Section 4 allows the board to adopt and promulgate rules and regulations that it deems necessary to regulate wind or

solar energy leases on educational trust lands, and to prescribe terms and conditions of such leases that it deems necessary to protect the interests of the state. Failure of the lessee to utilize the land for the purpose for which the land was leased would be cause for cancellation of the lease.

Section 5 amends section 72-204 to clarify that the leasing of educational trust lands by the board for wind or solar energy purposes would be governed by sections 1 through 4 of the bill, rather than sections 79-232 through 79-239 which commonly govern leases of educational trust land.

Greg Adams, Chairperson