

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB828

Hearing Date: Thursday January 19, 2012
Committee On: Natural Resources
Introducer: Dubas
One Liner: Change provisions relating to wind and solar energy agreements

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Carlson, Christensen, Dubas, Langemeier, McCoy, Schilz, Smith
Nay:		
Absent:	1	Senator Haar
Present Not Voting:		

Proponents:

Senator Annette Dubas
David Levy
Richard Endacott
Andy Pollock
John K. Hansen

Representing:

Introducer
Edison Mission Energy, Midwest Wind Energy
Board of Educational Lands and Funds
Nebraska Energy Export Association
Nebraska Farmers Union

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 828 would clarify terminology and synchronize various statutes that have been amended or affected by recently enacted laws relating to solar and wind energy facilities. Its purpose is to ensure that all of the statutes relating to wind and solar energy are consistent and compatible.

Section-by-section description:

Most of the bill's sections harmonize terminology and consolidate existing language into a different chapter of law for ease of use. Other sections of the bill do the following:

Sections 5 and 6 update the definitions of "solar skyspace easement" and "wind energy easement" by renaming the subjects "solar agreement" and "wind agreement" respectively. This reflects the more accurate and current use of such documents.

Section 7 states that the abstract used for creating a land agreement and filed with the county does not have to include certain information, such as the amount paid for the agreement.

Sections 9 and 10 would clarify what is provided for in Chapter 76 into Chapter 66, which deals with solar or wind agreements "running with the land" and the prohibition on severing wind and solar interests from the land. New

language would allow the parties to an agreement to extend the term if both agree in writing to do so.

Section 16 clarifies that the recipient of a decommissioning security may be a municipality or other governmental entity.

Section 20 repeals the original sections.

Section 21 repeals outright sections that are provided for in other sections of law.

Explanation of amendments:

AM 1729 further clarifies some of the statutes related to wind and solar energy by harmonizing language, striking duplicative language, and makes a correction between two contradicting statutes. By adding references to resources related to wind and solar development in those sections, unintended effects on other types of resources (such as minerals) may be avoided.

Chris Langemeier, Chairperson