

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 392**

Introduced by Larson, 40; Wayne, 13.

Read first time January 13, 2017

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to economic development; to adopt the Wind
- 2 Friendly Counties Act.
- 3 Be it enacted by the people of the State of Nebraska,

1       Section 1.   Sections 1 to 4 of this act shall be known and may be  
2 cited as the Wind Friendly Counties Act.

3       Sec. 2.   The Legislature finds and declares that wind energy  
4 production has a growing role in the economic vitality of rural areas of  
5 the state and in the state's overall economy. The Legislature further  
6 finds and declares that a public interest exists in assisting efforts of  
7 the wind energy industry and rural communities to preserve and enhance  
8 wind energy production as an essential element of economic development  
9 and that a need exists to assist rural communities and counties seeking  
10 opportunities in the growth of wind energy production. It is the intent  
11 of the Legislature to seek reasonable means to nurture and support wind  
12 energy production in this state.

13       Sec. 3.   (1) The Director of Agriculture shall establish a process,  
14 including criteria and standards, to recognize and assist efforts of  
15 counties to create, maintain, or expand wind energy opportunities under  
16 the Wind Friendly Counties Act. A county that meets the criteria may  
17 apply to the director to be designated a wind-energy-friendly county. A  
18 county may remove itself from the process at any time. Such criteria and  
19 standards may include, but are not limited to, the following factors: (a)  
20 Consideration of the diversity of energy development activities underway  
21 or being initiated by a county at the time of application; (b) a formal  
22 expression of interest by a county board by a duly enacted resolution  
23 following a public hearing for developing wind energy production; (c) an  
24 assurance that such county intends to work with all other governmental  
25 jurisdictions within its boundaries in implementing wind energy  
26 development within the county; and (d) flexible and individual treatment  
27 allowing each county to design its own wind energy development program  
28 according to its own timetable.

29       (2) The designation of any county as a wind-energy-friendly county  
30 shall not indicate or suggest that any other county that does not seek or  
31 obtain such a designation is not friendly to wind energy production.

1       (3) Nothing in this section shall prohibit or prevent any county  
2 board from adopting a resolution that designates the county as a wind-  
3 energy-friendly county.

4       Sec. 4. To assist any county with information pursuant to the Wind  
5 Friendly Counties Act, the Department of Agriculture shall provide, upon  
6 written request of the county zoning authority or county board,  
7 information sources that may be useful to the county in evaluating and  
8 crafting wind energy facility regulation that meets the objectives of the  
9 county and the wind energy generation industry.