

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB23**

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**Hearing Date:** Tuesday February 05, 2019  
**Committee On:** Urban Affairs  
**Introducer:** Kolterman  
**One Liner:** Change the Property Assessed Clean Energy Act

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

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**Vote Results:**

**Aye:** 7 Senators Arch, Briese, Crawford, Hansen, M., Hunt, Lowe, Wayne  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Mark Kolterman  
Michael O'Hara  
Chris Peterson

**Representing:**

Legislative District 24  
Sierra Club  
PACE Sage Capital, LLC

**Opponents:**

**Representing:**

**Neutral:**

Edison McDonald

**Representing:**

Self

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

LB 23 would amend the Property Assessed Clean Energy (PACE) Act to make a number of changes, including:

- Authorizing the use of PACE to retroactively finance energy efficiency improvements and renewable energy systems already in place
  - Changing legislative findings to state that PACE is an economic development incentive
  - Eliminating the requirement that the energy savings generated by a PACE project exceed the cost of the project
  - Providing that verification that a renewable energy system or energy efficiency improvement was properly installed and is operating as intended may be obtained at any time, not just after the PACE project is complete
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**Explanation of amendments:**

AM 795 makes a series of changes to the bill, including:

- Eliminates provisions that would have allowed the use of PACE to retroactively finance energy efficiency improvements and renewable energy systems already in place
  - Adds new public purpose language in the PACE Act
  - Changes the classification of co-generation and tri-generation systems under the Act from a renewable energy resource to an energy efficiency improvement
  - Retains the requirement that the energy savings generated by a PACE project exceed the cost of the project, but provides that a municipality may waive the requirement on a case-by-case basis
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Justin Wayne, Chairperson