

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 610

Introduced by Kolowski, 31.

Read first time January 18, 2017

Committee:

- 1 A BILL FOR AN ACT relating to electricity; to amend section 81-15,173,
- 2 Reissue Revised Statutes of Nebraska; to adopt the Community Solar
- 3 Energy Economic Development Act; to change provisions relating to
- 4 the powers and duties of the Nebraska Environmental Trust Board; and
- 5 to repeal the original section.
- 6 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 Community Solar Energy Economic Development Act.

3 Sec. 2. The Legislature finds that:

4 (1) Solar energy can provide many benefits, including:

5 (a) Reducing reliance on fossil fuels;

6 (b) Locking in long-term energy costs;

7 (c) Providing energy at times of peak demand for electricity;

8 (d) Helping businesses and residences lower their energy bills;

9 (e) Reducing the cost of local government by reducing the growth of
10 utility costs; and

11 (f) Keeping energy dollars in the community;

12 (2) There is a great deal of interest in solar energy in Nebraska;

13 (3) Solar energy can be easily scaled up or down and sited in both
14 rural and urban areas;

15 (4) Nebraska has great potential for solar energy development yet
16 very little solar development has occurred in Nebraska;

17 (5) Solar energy can attract new business to Nebraska;

18 (6) Solar energy can help Nebraska's public power districts by
19 providing economic development in their service areas;

20 (7) Incentives are needed for solar development to provide much
21 needed economic and environmental benefits to the people of Nebraska; and

22 (8) It is the policy of the State of Nebraska to promote solar
23 energy development.

24 Sec. 3. For purposes of the Community Solar Energy Economic
25 Development Act:

26 (1) Community solar project means a solar electric generation
27 facility which has an agreement to sell its electric output to an
28 electric utility or a political subdivision of this state and which
29 allows subscribers of the facility to receive a bill credit related to
30 the amount of energy generated in proportion to the amount of the
31 subscription. A community solar project may be established and operated

1 by a public power district, one or more nonprofit organizations, or one
2 or more political subdivisions. A community solar project may be operated
3 in conjunction with a for-profit entity in order to monetize tax credits;
4 and

5 (2) Subscriber means a person who has invested one hundred dollars
6 or more in a community solar project.

7 Sec. 4. A community solar project may apply to the Nebraska
8 Environmental Trust Board for a grant to support the project by
9 submitting an application on a form prescribed by the board. Eligibility
10 for such grants shall be based upon existing funding criteria and
11 categories of grants under the Nebraska Environmental Trust Act, which
12 may include one or more aspects of air quality, water conservation,
13 habitat protection, soil management, and waste reduction categories. An
14 application shall include, in addition to any other requirements imposed
15 by the board or such act, the number of people likely to participate in
16 the community solar project and anticipated environmental and community
17 benefits from such project. Two or more community solar projects may make
18 a joint application for funding more than one project. No grant may
19 exceed twenty-five percent of the cost of the community solar project or
20 projects sought to be funded.

21 Sec. 5. Section 81-15,173, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 81-15,173 The board shall have and may exercise the following powers
24 and duties:

25 (1) Adopt bylaws to govern the proceedings of the board;

26 (2) Keep records, conduct hearings, and adopt and promulgate rules
27 and regulations to carry out its duties and implement the Nebraska
28 Environmental Trust Act;

29 (3) Contract with the Game and Parks Commission for administrative
30 support;

31 (4) Contract with governmental and private agencies to receive

1 services and technical assistance;

2 (5) Contract with governmental and private agencies to provide
3 services and technical assistance;

4 (6) Establish environmental categories for use of the funds and
5 develop an appropriate rating system for each category;

6 (7) Establish ad hoc advisory boards and subcommittees;

7 (8) Sponsor or assist environmental proposals pertaining to the
8 environmental categories of the board, including issuing grants to
9 agencies, organizations, and persons engaged in the purposes of the trust
10 and including grants under the Community Solar Energy Economic
11 Development Act;

12 (9) Cooperate with or assist any unit of the state, any political
13 subdivision, or any private, public, or federal agency, foundation, or
14 person in furtherance of the purposes of the trust;

15 (10) Acquire and dispose of personal property in furtherance of the
16 purposes of the trust; and

17 (11) Apply for or accept any gift, grant, bequest, royalty, or
18 donation, designate the fund to which it will be credited, and expend the
19 proceeds in furtherance of the purposes of the trust.

20 Sec. 6. Original section 81-15,173, Reissue Revised Statutes of
21 Nebraska, is repealed.