

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 700**

Introduced by Bostelman, 23.

Read first time January 23, 2019

Committee:

- 1 A BILL FOR AN ACT relating to wind energy; to amend sections 66-901,
- 2 66-902, and 72-272, Reissue Revised Statutes of Nebraska; to provide
- 3 decommissioning and reclamation requirements; to harmonize
- 4 provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Any person owning, operating, or managing a wind energy  
2 conversion system in this state shall be responsible for all  
3 decommissioning or reclamation costs necessary for removal of such  
4 system, including the removal of any aboveground or underground equipment  
5 and restoration of the land to its natural state. For purposes of this  
6 section reclamation means restoration of the area on which a wind energy  
7 conversion system is constructed to the condition that existed prior to  
8 construction.

9           Sec. 2. Section 66-901, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11           66-901 The Legislature hereby finds and declares that the use of  
12 solar energy and wind energy in Nebraska: (1) Can help reduce the  
13 nation's reliance upon irreplaceable domestic and imported fossil fuels;  
14 (2) can reduce air and water pollution resulting from the use of  
15 conventional energy sources; (3) requires effective legislation and  
16 efficient administration of state and local programs to be of greatest  
17 value to its citizens; and (4) is of such importance to the public  
18 health, safety, and welfare that the state should take appropriate action  
19 to encourage its use.

20           As the use of solar energy and wind energy devices increases, the  
21 possibility of future shading and obstruction of such devices by  
22 structures or vegetation will also increase. The Legislature therefor  
23 declares that the purpose of sections 66-901 to 66-914 and section 1 of  
24 this act is to promote the public health, safety, and welfare by  
25 protecting access to solar energy and wind energy as provided in sections  
26 66-901 to 66-914 and section 1 of this act.

27           Sec. 3. Section 66-902, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           66-902 For purposes of sections 66-901 to 66-914 and section 1 of  
30 this act, unless the context otherwise requires, the definitions found in  
31 sections 66-902.01 to 66-909.04 apply.

1           Sec. 4. Section 72-272, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           72-272 The board may authorize agreements for the use of any school  
4 or public lands belonging to the state and under its control for  
5 exploration and development of wind energy or solar energy for such  
6 durations and under such terms and conditions as the board shall deem  
7 appropriate, except that such agreements shall comply with sections  
8 66-901 to 66-914 and section 1 of this act. In making such  
9 determinations, the board shall consider comparable arrangements  
10 involving other lands similarly situated and any other relevant factors  
11 bearing upon such agreements.

12           Sec. 5. Original sections 66-901, 66-902, and 72-272, Reissue  
13 Revised Statutes of Nebraska, are repealed.