

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 504

Introduced by Brewer, 43.

Read first time January 18, 2017

Committee: Natural Resources

1 A BILL FOR AN ACT relating to wind energy; to amend sections 66-901 and
2 66-902, Revised Statutes Cumulative Supplement, 2016; to change and
3 provide legislative findings; to provide for a moratorium on
4 industrial development of wind energy projects as prescribed; to
5 provide for a special task force and a report to the Legislature; to
6 harmonize provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 66-901, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 66-901 (1) The Legislature hereby finds and declares that:

4 (a) ~~The~~ the use of solar energy and wind energy in Nebraska (i)
5 can ~~;(1) Can~~ help reduce the nation's reliance upon irreplaceable
6 domestic and imported fossil fuels, (ii) ~~;(2)~~ can reduce air and water
7 pollution resulting from the use of conventional energy sources, (iii) ~~;~~
8 ~~(3)~~ requires effective legislation and efficient administration of state
9 and local programs to be of greatest value to its citizens, ~~;~~ and (d) ~~(4)~~
10 is of such importance to the public health, safety, and welfare that the
11 state should take appropriate action to both encourage and regulate its
12 use; and ~~-~~

13 (b) As the use of solar energy and wind energy devices increases,
14 the possibility of future shading and obstruction of such devices by
15 structures or vegetation, and the risk of potential harm to certain
16 natural prairie landscapes in the state, will also increase.

17 (2) The Legislature further finds and declares that the
18 approximately 19,300-square-mile sand dune formation located in north
19 central Nebraska known as the Sandhills comprises one of the largest
20 contiguous tracts of grassland remaining in the United States. The area
21 consists of approximately eleven million acres of grassland and one
22 million acres of wetlands. The Sandhills also recharges several extensive
23 aquifers of the Ogallala Aquifer formation which contain a storage
24 capacity of nearly one billion acre-feet of underground water. The
25 fragile, grass-stabilized sand dunes of this region provide habitat for
26 over seven hundred native plant species, three hundred species of birds,
27 fifty-five species of mammals, seventy-five species of fish, and
28 twenty-seven species of reptile and amphibians. Eighty percent of the
29 world's population of sandhills cranes migrate through the Sandhills
30 every year.

31 (3) The Legislature therefor declares that the purpose of sections

1 66-901 to 66-914 and section 3 of this act is to promote the public
2 health, safety, and welfare by protecting access to solar energy and wind
3 energy as well as protecting unique aspects of the state's natural beauty
4 and resources as provided in sections 66-901 to 66-914.

5 Sec. 2. Section 66-902, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 66-902 For purposes of sections 66-901 to 66-914 and section 3 of
8 this act, unless the context otherwise requires, the definitions found in
9 sections 66-902.01 to 66-909.04 apply.

10 Sec. 3. Beginning January 1, 2018, there shall be a two-year
11 moratorium on the industrial development of wind-generated energy
12 projects and placement of wind turbines for the generation of electricity
13 within the area known as the Sandhills as such area shall be defined and
14 designated by the Department of Natural Resources. The Director of
15 Natural Resources shall appoint a special task force composed of not more
16 than thirteen members to study and make recommendations relating to the
17 siting of wind-generated energy projects in the Sandhills region of the
18 state. The task force shall make its findings and recommendations in a
19 report to be submitted electronically to the Legislature not later than
20 December 1, 2019. The Director of Natural Resources or his or her
21 designee shall serve as chairperson of the task force. The other members
22 of the task force shall be selected so that the task force represents
23 diversified backgrounds and experiences to ensure adequate consideration
24 and analysis of all relevant issues and concerns.

25 Sec. 4. Original sections 66-901 and 66-902, Revised Statutes
26 Cumulative Supplement, 2016, are repealed.