

AMENDMENTS TO LB 235

Introduced by Adams, 24.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Leases involving the production of wind or
4 solar energy on lands under the control of the Board of Educational
5 Lands and Funds shall be regulated by sections 1 to 5 of this act.

6 Sec. 2. For purposes of sections 1 to 5 of this act:

7 (1) Board means the Board of Educational Lands and Funds;

8 (2) Lease means any lease, easement, covenant, or other
9 such contractual arrangement;

10 (3) Lessee means any individual, corporation, or other
11 entity that enters into a lease with the board;

12 (4) Solar energy means radiant energy, direct, diffuse,
13 or reflected, received from the sun at wavelengths suitable for
14 conversion into thermal, chemical, or electrical energy; and

15 (5) Wind energy means the use of wind to produce
16 electricity.

17 Sec. 3. The board may authorize leases of any school
18 or public lands belonging to the state and under its control
19 for exploration and development of wind or solar energy for such
20 durations and under such terms and conditions as the board shall
21 deem appropriate, except that the initial term for any such wind
22 energy lease and any amendment thereto shall not exceed forty
23 years. In making such determinations, the board shall consider

1 comparable arrangements involving other lands similarly situated
2 and any other relevant factors bearing upon such leases. Any such
3 lease authorized by the board shall be created in writing and shall
4 be filed, duly recorded, and indexed in the office of the register
5 of deeds of the county in which the real property subject to the
6 lease is located. Such leases shall run with the land benefited and
7 burdened and shall include, as applicable, the contents specified
8 in sections 66-911 and 66-911.01.

9 Sec. 4. (1) If a wind or solar energy lease is authorized
10 by the board on land already being leased for agricultural or other
11 purposes by a prior lessee, the existing rights of the prior lessee
12 shall not be impaired, and the board shall reduce the rental amount
13 due from such prior lessee in proportion to the amount of land that
14 is removed from use as a result of the wind or solar energy lease.

15 (2) A lessee for agricultural or other purposes shall
16 be compensated for all damages to personal property owned by
17 such lessee or to growing crops, including grass, caused by
18 operations under a concurrent lease of such land for wind or
19 solar energy purposes, and the board shall require the lessee
20 under the wind or solar energy lease to provide such insurance and
21 indemnity agreements which the board determines are necessary for
22 the protection of the state and its lessees.

23 (3) If a wind or solar energy lease is authorized by the
24 board on land concurrently being leased for agricultural purposes,
25 the lessee for agricultural purposes shall have priority as to
26 the use of the water on the land, but lessees for other purposes,
27 including wind or solar lessees, shall be allowed reasonable use of

1 the water on the land.

2 Sec. 5. The board may adopt and promulgate such rules
3 and regulations as it shall deem necessary and proper to regulate
4 the leasing of school and public lands for wind or solar energy
5 exploration and development pursuant to sections 1 to 5 of this act
6 and to prescribe such terms and conditions, including bonds, as it
7 shall deem necessary in order to protect the interests of the state
8 and its lessees.