

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 437**

Introduced by Haar, 21; Dubas, 34; Nordquist, 7.

Read first time January 20, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to energy; to create the Wind Energy  
2 Development Zone Task Force; to provide powers and duties  
3 for the task force; and to provide a termination date.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Legislature finds that the use of wind  
2 energy sources is of vital importance to the future of the State  
3 of Nebraska. The Legislature further finds that the activities  
4 authorized under sections 1 to 4 of this act fulfill a public  
5 purpose and concern the interests of health, safety, and general  
6 welfare of the residents of this state.

7           (2) It is the intent of the Legislature that the task  
8 force created by section 2 of this act expand on the report  
9 by Eric Lantz, an Energy Analyst with the National Renewable  
10 Energy Laboratory, entitled Wind Energy and Economic Development in  
11 Nebraska.

12           Sec. 2. (1) The Wind Energy Development Zone Task Force  
13 is created.

14           (2) The task force shall have the following powers and  
15 duties:

16           (a) To identify areas within Nebraska that have the  
17 potential to support wind energy developers in the advancement of  
18 wind resource generation development areas;

19           (b) To hold at least four public meetings between the  
20 effective date of this act and June 1, 2010;

21           (c) To solicit comments, oral or written, from members of  
22 the public. The task force may determine the manner in which such  
23 comments are received;

24           (d) To fairly consider any comment from the public at  
25 large, any environmental group, and any other interested party and

1 from any potentially affected political subdivision, including a  
2 county, city, or electric utility; and

3 (e) To issue a recommendation of statutory changes along  
4 with the map required under section 4 of this act to the Governor  
5 and the Clerk of the Legislature before June 1, 2010.

6 Sec. 3. (1) The Wind Energy Development Zone Task Force  
7 shall consist of the following members:

8 (a) The executive director of the Nebraska Power Review  
9 Board or his or her designee;

10 (b) The following members appointed by the Governor:

11 (i) One member who represents a rural electric  
12 cooperative;

13 (ii) Two members who represent public power districts;

14 (iii) One member who represents wind manufacturing  
15 interests;

16 (iv) One member who represents wind resource generation  
17 interests;

18 (v) Two members who represent the agricultural interests  
19 of Nebraska;

20 (vi) One member who represents municipal utilities;

21 (vii) One member who represents the wildlife interests of  
22 Nebraska;

23 (viii) One member who represents the environmental  
24 interests of Nebraska;

25 (ix) One member of the faculty at the College of

1 Engineering at the University of Nebraska-Lincoln;  
2 (x) One member representing the Nebraska Wind Working  
3 Group;  
4 (xi) One member representing the Nebraska Energy Office;  
5 and  
6 (xii) One member representing the Game and Parks  
7 Commission;  
8 (c) Four members appointed by the Executive Board of the  
9 Legislative Council. One such member shall not be affiliated with  
10 any group represented by any other member of the task force;  
11 (d) The executive director of the League of Nebraska  
12 Municipalities or his or her designee; and  
13 (e) The executive director of the Nebraska Association of  
14 County Officials or his or her designee.  
15 (2) The task force shall elect a chairperson and a  
16 vice-chairperson from its members at its first meeting. The  
17 executive director of the Nebraska Power Review Board shall  
18 convene the first meeting of the task force and may contract  
19 with a mediator or other third-party facilitator to aid in  
20 the accomplishment of the duties of the task force. Members of  
21 the task force shall be appointed within thirty days after the  
22 effective date of this act. Each appointed member shall serve  
23 until the termination of the task force. Vacancies in the appointed  
24 membership shall be filled by appointment by the Governor or the  
25 executive board, as applicable.

1           Sec. 4. (1) In carrying out the purposes of sections  
2 1 to 3 of this act, the Wind Energy Development Zone Task  
3 Force shall develop a map of existing generation and transmission  
4 lines and potential wind resource generation development areas  
5 within Nebraska that have the potential to support an electric  
6 transmission plan that would allow for generation of seven thousand  
7 eight hundred eighty megawatts of electricity from wind technology  
8 to be completed by June 1, 2018. In addition, the map shall be  
9 marked with bird flyways. The map shall be published before June  
10 1, 2010, and submitted to the Governor and the Clerk of the  
11 Legislature pursuant to section 2 of this act.

12           (2) To develop the map required by this section, the task  
13 force shall consider, but not be limited to:

14           (a) The potential use of enterprise zones in the  
15 development of wind resource generation development areas;

16           (b) The transmission needs of the wind resource  
17 generation development areas to transport electricity to locations  
18 in which customers could use the wind energy resources, including  
19 a study of the work of the Nebraska Public Power District  
20 with regional transmission organizations to assure planning for  
21 transmission outside of the state;

22           (c) The rights and protection of landowners;

23           (d) Wildlife habitats, including the migratory paths of  
24 birds; and

25           (e) The facilitation of the transportation of loads

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1 associated with the wind industry.

2                   Sec. 5. The Wind Energy Development Zone Task Force

3 terminates on June 1, 2014.