

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 916

Introduced by Heidemann, 1.

Read first time January 12, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to school lands; to amend section 72-204,
2 Reissue Revised Statutes of Nebraska; to authorize leases
3 on school lands for solar and wind energy production; to
4 harmonize provisions; to repeal the original section; and
5 to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Leases involving the production of solar or
2 wind energy on school lands shall be governed by sections 1 to 4 of
3 this act.

4 Sec. 2. For purposes of sections 1 to 4 of this act:

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

6 (2) Lease means any lease, easement, covenant, or other
7 such contractual arrangement authorized by the board pursuant to
8 sections 1 to 4 of this act; and

9 (3) Lessee means any individual, corporation, or other
10 entity that enters into a lease with the board pursuant to sections
11 1 to 4 of this act.

12 Sec. 3. The board may authorize leases for the production
13 of solar or wind energy on school lands for such durations
14 and under such terms and conditions as the board shall deem
15 appropriate, except that the initial term for any such wind energy
16 lease shall not exceed forty years. In making such determinations,
17 the board shall consider comparable arrangements involving other
18 lands similarly situated and any other relevant factors bearing
19 upon such leases. Any such lease authorized by the board shall be
20 created in writing and shall be filed, duly recorded, and indexed
21 in the office of the register of deeds of the county in which the
22 real property subject to the lease is located. Such leases shall
23 include, as applicable, the contents specified in sections 66-911
24 and 66-911.01.

25 Sec. 4. The board may adopt and promulgate such rules

1 and regulations as it shall deem necessary to regulate the leases
 2 authorized in sections 1 to 4 of this act and to prescribe such
 3 terms and conditions of such leases as it shall deem necessary
 4 to protect the interests of the state. Failure of the lessee to
 5 utilize the land for the purpose for which the land was leased
 6 shall be cause for cancellation of the lease.

7 Sec. 5. Section 72-204, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 72-204 The Board of Educational Lands and Funds shall
 10 cause school land to be classified for rental purposes (1) at least
 11 once each five years, (2) each time that the land is leased or that
 12 an assignment of a lease is made, and (3) when the board deems it
 13 to be in the best interest of the state. The leasing of the land
 14 shall be ~~regulated~~ governed by sections 72-232 to 72-239, except
 15 that leases involving the production of solar or wind energy on
 16 school lands shall be governed by sections 1 to 4 of this act.

17 When a lease is offered for sale, the new rental shall be made
 18 public. When the board has ordered the reclassification of any of
 19 the school lands in any county, it shall prescribe the method and
 20 promulgate rules governing the classification of educational lands.

21 It shall have a classification of all the educational lands in the
 22 county prepared by a competent person, who shall make a detailed
 23 field examination of each forty-acre tract of educational lands
 24 for the purpose of obtaining information as to the type and rating
 25 of the soil, its adaptability, the topographical character of the

1 land, and the location and number of acres of each type. His or her
2 report of such field examination shall be prepared in the form of
3 a detailed map with complete explanations and shall be filed with
4 the board. The board may employ private appraisal firms to aid it
5 in determining the value of educational lands.

6 Sec. 6. Original section 72-204, Reissue Revised Statutes
7 of Nebraska, is repealed.

8 Sec. 7. Since an emergency exists, this act takes effect
9 when passed and approved according to law.