

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 359

Introduced by Haar, 21.

Read first time January 13, 2011

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-27,235, Reissue Revised Statutes of Nebraska; to
3 change a renewable energy tax credit; to provide an
4 operative date; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-27,235, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-27,235 (1) Any producer of electricity generated by a
4 new ~~zero-emission~~ renewable electric generation facility shall earn a
5 renewable energy tax credit. For electricity generated on or after
6 July 14, 2006, and before October 1, 2007, the credit shall be .075
7 cent for each kilowatt-hour of electricity generated by a new ~~zero-~~
8 ~~emission-~~ renewable electric generation facility. For electricity
9 generated on or after October 1, 2007, and before January 1, 2010,
10 the credit shall be .1 cent for each kilowatt-hour of electricity
11 generated by a new ~~zero-emission~~ renewable electric generation
12 facility. For electricity generated on or after January 1, 2010, and
13 before January 1, 2013, the credit shall be .075 cent per kilowatt-
14 hour for electricity generated by a new ~~zero-emission~~ renewable
15 electric generation facility. For electricity generated on or after
16 January 1, 2013, and before January 1, 2018, the credit shall be .05
17 cent per kilowatt-hour for electricity generated by a new ~~zero-~~
18 ~~emission-~~ renewable electric generation facility. The credit may be
19 earned for production of electricity for ten years after the date
20 that the facility is placed in operation on or after July 14, 2006.

21 (2) For purposes of this section:

22 (a) Electricity generated by a new ~~zero-emission~~
23 renewable electric generation facility means electricity that is
24 exclusively produced by a new ~~zero-emission~~ renewable electric
25 generation facility;

1 (b) Eligible renewable resources means wind, moving
2 water, solar, geothermal, fuel cell, methane gas, or photovoltaic
3 technology; and

4 (c) New ~~zero-emission~~ renewable electric generation
5 facility means an electrical generating facility located in this
6 state that is first placed into service on or after July 14, 2006,
7 which utilizes eligible renewable resources as its fuel source, ~~and~~
8 ~~for which the operation of the facility results in no pollution or~~
9 ~~emissions that are or may be harmful to the environment as certified~~
10 ~~by the Department of Environmental Quality.~~

11 (3) The credit allowed under this section may be used to
12 reduce the producer's Nebraska income tax liability or to obtain a
13 refund of state sales and use taxes paid by the producer of
14 electricity generated by a ~~zero-emission~~ new renewable electric
15 generation facility. A claim to use the credit for refund of the
16 state sales and use taxes paid, either directly or indirectly, by the
17 producer may be filed quarterly for electricity generated during the
18 previous quarter by the twentieth day of the month following the end
19 of the calendar quarter. The credit may be used to obtain a refund of
20 state sales and use taxes paid during the quarter immediately
21 preceding the quarter in which the claim for refund is made, except
22 that the amount refunded under this subsection shall not exceed the
23 amount of the state sales and use taxes paid during the quarter.

24 (4) The Department of Revenue may adopt and promulgate
25 rules and regulations to permit verification of the validity and

1 timeliness of any renewable energy tax credit claimed.

2 ~~(5) The Environmental Quality Council may adopt and~~
3 ~~promulgate rules and regulations to certify that the operation of a~~
4 ~~new zero-emission facility results in no pollution or emissions that~~
5 ~~are or may be harmful to the environment.~~

6 ~~(6)-(5)~~ The total amount of renewable energy tax credits
7 that may be used by all taxpayers shall be limited to seven hundred
8 fifty thousand dollars without further authorization from the
9 Legislature.

10 ~~(7)-(6)~~ The credit allowed under this section may not be
11 claimed by a producer who received a sales tax exemption under
12 section 77-2704.57 for the new ~~zero-emission~~ renewable electric
13 generation facility.

14 Sec. 2. This act becomes operative on October 1, 2011.

15 Sec. 3. Original section 77-27,235, Reissue Revised
16 Statutes of Nebraska, is repealed.