

Spencer

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LB 360

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised due to adoption of amendments on Select File.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB 360, as amended by AM369 and AM1298 amends Nebraska Revised Statutes Sections 77-105, 77-202, 77-6203, and 77-27,235.

The bill originally amended Section 77-105 to strike language from the definition of tangible personal property regarding property used in the generation of electricity using wind as a fuel source. AM369 reinstates a portion of the stricken language and adds language referring to "depreciable tangible personal property."

Section 77-202 (9) is amended to specify that "depreciable tangible personal property" used directly in the generation of electricity using wind as a fuel source shall be exempt from the property tax levied on such property. The bill clarifies that depreciable tangible personal property used directly in generating electricity would continue to be exempt from tax and with AM 369 reinstates language stricken by the original bill.

AM369 amends Section 77-6203 (5)(b) that deals with the nameplate capacity tax, to add back deleted language that provides a credit against the tax equal to any property taxes that were paid prior to July 15, 2010, that were greater than what the nameplate capacity tax would have been and specifies that this is for depreciable tangible personal property.

The bill has an operative date of January 1, 2010 and carries the emergency clause.

There is no fiscal impact to the state as a result of LB 360 or the changes made by AM369.

LB 360 as amended by AM1298 incorporates the provisions of LB 359 and amends Nebraska Revised Statutes Section 77-27,235 to change a term and remove a requirement regarding certification.

The bill changes the term "zero emission" facility to "renewable electric generation" facility.

It eliminates the requirement that the Department of Environmental Quality certify that the operation of such a facility results in no pollution or harmful emissions.

The bill also removes the current tax credit sunset date of January 1, 2018.

AM1298 amends the tax credit available under this statute to a total of \$50,000. The current total limit of the tax credit is \$750,000.

The Department of Revenue estimates the fiscal impact to be minimal.

There is no basis to disagree with the Department of Revenue's estimate of fiscal impact.

The operative date for the sections of LB 360 amended by AM1298 is October 1, 2011.