

AMENDMENTS TO LB 896

Introduced by Revenue Committee:

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

3 Section 1. Section 77-2701, Revised Statutes Supplement,
4 2005, is amended to read:

5 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and
6 77-27,228 to 77-27,234 and section 2 of this act shall be known and
7 may be cited as the Nebraska Revenue Act of 1967.

8 Sec. 2. (1) Any producer of electricity generated by
9 a new zero-emission facility shall earn a renewable energy tax
10 credit. For electricity generated on or after the effective date
11 of this act, and before January 1, 2010, the credit shall be
12 .075 cent for each kilowatt-hour of electricity generated by a
13 new zero-emission facility. For electricity generated on or after
14 January 1, 2010, and before January 1, 2013, the credit shall
15 be .05 cent per kilowatt-hour for electricity generated by a
16 new zero-emission facility. For electricity generated on or after
17 January 1, 2013, and before January 1, 2018, the credit shall be
18 .025 cent per kilowatt-hour for electricity generated by a new
19 zero-emission facility. The credit may be earned for production
20 of electricity for ten years after the date that the facility is
21 placed in operation on or after the effective date of this act.

22 (2) For purposes of this section:

23 (a) Electricity generated by a new zero-emission

1 facility means electricity that is exclusively produced by a new
2 zero-emission facility;

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

6 (c) New zero-emission facility means an electrical
7 generating facility located in this state that is first placed
8 into service on or after the effective date of this act with a
9 rated production of one megawatt or greater which utilizes eligible
10 renewable resources as its fuel source and for which the operation
11 of the facility results in no pollution or emissions that are or
12 may be harmful to the environment as certified by the Department of
13 Environmental Quality.

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

27 (4) The Department of Revenue may adopt and promulgate

1 rules and regulations to permit verification of the validity and
2 timeliness of any renewable energy tax credit claimed.

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

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

11 Sec. 3. Original section 77-2701, Revised Statutes
12 Supplement, 2005, is repealed.