

PREPARED BY: Doug Gibbs
 DATE PREPARED: February 16, 2011
 PHONE: 471-0051

LB 253

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

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 253 amends Nebraska Revised Statutes Section 77-6203, dealing with wind energy generating facilities.

The bill strikes language allowing the amount of property tax paid on a wind energy generation facility commissioned prior to July 15, 2010 that is in excess of the amount of nameplate capacity tax that would have been paid, to be taken as a credit against any nameplate capacity tax due for 2010 and subsequent years until the credit is fully utilized.

The bill is retroactive until January 1, 2010 and applies to any wind energy generation facility commissioned before, on, or after July 15, 2010.

The nameplate capacity is the capacity of a wind turbine to generate electricity as measured in megawatts. The nameplate capacity tax is the nameplate capacity times \$3,518 (the tax rate). For example, a wind turbine with a nameplate capacity of 1.5 megawatts would generate \$5,277 in taxes annually. Taxes are collected by the Department of Revenue and remitted to the county treasurer where the wind generation facility is located.

The purpose of the nameplate capacity tax, as stated in Section 77-6201, is to replace property tax and, although collected by the Department of Revenue, it is remitted to the appropriate county treasurer. Therefore, there is no fiscal impact to the state as a result of LB 253.

The Department of Revenue indicates the cost to implement LB 253 will be minimal.

We agree with the Department of Revenue's estimate of cost.

IMPACT TO POLITICAL SUBDIVISIONS:

The Nebraska Association of County Officials indicates no fiscal impact to counties.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Lyn Heaton	DATE 2/22/11	PHONE 471-2526
COMMENTS			
DEPARTMENT OF REVENUE: Concur. No fiscal impact on the Department of Revenue.			
NEBRASKA ASSOCIATION OF COUNTY OFFICIALS: It is assumed that the bill would have at least some fiscal impact on counties, particularly counties affected by the nameplate capacity tax.			