

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1204**

Introduced by Clouse, 37; Quick, 35.

Read first time January 21, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to electricity; to amend sections 77-105 and  
2 77-6201, Reissue Revised Statutes of Nebraska, sections 77-1359,  
3 77-6202, and 77-6203, Revised Statutes Cumulative Supplement, 2024,  
4 and sections 13-518, 77-202, and 77-6204, Revised Statutes  
5 Supplement, 2025; to adopt the Nameplate Capacity Tax Facility  
6 Standards Act; to define and redefine terms; to change provisions  
7 relating to property tax exemptions and the nameplate capacity tax;  
8 to harmonize provisions; to provide an operative date; to provide  
9 severability; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1        **Section 1.** Sections 1 to 25 of this act shall be known and may be  
2 cited as the Nameplate Capacity Tax Facility Standards Act.

3        **Sec. 2.** For purposes of the Nameplate Capacity Tax Facility  
4 Standards Act:

5        (1) Affected landowner means:

6        (a) Any landowner whose property is subject to facilities, access  
7 roads, or associated infrastructure of the renewable energy facility or  
8 energy storage resource; or

9        (b) Any landowner whose property is directly impacted by drainage  
10 tile damage, soil compaction, weed spread, or other agricultural impacts  
11 from the construction or operation of the facility or resource;

12        (2) Energy storage resource means any energy storage resource  
13 subject to the nameplate capacity tax imposed under section 77-6203;

14        (3) Nonparticipating landowner means a landowner who is not a party  
15 to a lease, easement, or other agreement with the owner of the renewable  
16 energy generation facility or energy storage resource for placement of  
17 such facility or resource on the landowner's property;

18        (4) Occupied dwelling unit means a residence that is inhabited on a  
19 regular basis as a primary or secondary residence;

20        (5) Permitted has the same meaning as in section 77-6202;

21        (6) Political subdivision means any county or other political  
22 subdivision of the state, including municipalities that exercise zoning  
23 authority beyond their corporate limits;

24        (7) Public road or right-of-way means a road, street, or highway  
25 maintained by a public entity and open to public vehicular traffic;

26        (8) Renewable energy generation facility means any renewable energy  
27 generation facility subject to the nameplate capacity tax imposed under  
28 section 77-6203; and

29        (9) Total height means the height of a wind turbine of the wind  
30 energy generation facility measured from ground level to the tip of the  
31 blade at its highest point.

1       **Sec. 3.** The Legislature finds and declares that:

2       (1) Renewable energy and energy storage development is a matter of  
3 statewide concern affecting Nebraska's economic development, energy  
4 security, agricultural economy, property tax base, and environmental  
5 stewardship;

6       (2) Inconsistent and overly restrictive local regulations have  
7 created substantial barriers to renewable energy and energy storage  
8 development in Nebraska, making the state less competitive compared to  
9 neighboring states with more uniform regulatory frameworks;

10       (3) Renewable energy facilities and energy storage resources  
11 contribute substantial revenue to Nebraska counties and other political  
12 subdivisions through nameplate capacity taxes, provide lease payments to  
13 agricultural landowners, and support rural economic development;

14       (4) Uniform statewide maximum standards are necessary to:

15       (a) Ensure fair and predictable regulatory treatment of renewable  
16 energy and energy storage development across all Nebraska counties and  
17 political subdivisions;

18       (b) Prevent individual counties and other political subdivisions  
19 from imposing overly restrictive requirements that would effectively  
20 prohibit renewable energy and energy storage development and deny  
21 landowners the opportunity to benefit economically from their property;

22       (c) Balance the legitimate interests of renewable energy and energy  
23 storage developers, participating landowners, nonparticipating  
24 landowners, local governments, and the residents of Nebraska;

25       (d) Promote Nebraska's economic development and energy independence  
26 while protecting property rights, agricultural operations, and public  
27 health and safety;

28       (e) Maintain Nebraska's competitiveness in attracting renewable  
29 energy and energy storage investment compared to other states; and

30       (f) Ensure that counties and other political subdivisions benefit  
31 from substantial nameplate capacity tax revenue while renewable energy

1 and energy storage projects are subject to reasonable and predictable  
2 standards;

3 (5) The establishment of maximum standards in the Nameplate Capacity  
4 Tax Facility Standards Act does not prevent counties and other political  
5 subdivisions from adopting less restrictive requirements or from  
6 approving renewable energy facilities and energy storage resources  
7 without imposing permitting requirements beyond those necessary to  
8 protect public health and safety;

9 (6) The standards established in the Nameplate Capacity Tax Facility  
10 Standards Act are based on sound engineering principles, scientific  
11 evidence, and best practices from other states, and are designed to  
12 protect nonparticipating landowners and the public while enabling  
13 responsible renewable energy and energy storage development; and

14 (7) The nameplate capacity tax provides substantial and predictable  
15 revenue to counties and other political subdivisions that helps justify  
16 state establishment of maximum permitting and regulation standards and  
17 ensures that renewable energy facilities and energy storage resources  
18 contribute fairly to local services and infrastructure.

19 **Sec. 4.** (1) Political subdivisions shall not impose permitting,  
20 zoning, and building requirements more restrictive than the standards  
21 described in sections 5 to 16 of this act for renewable energy generation  
22 facilities or energy storage resources.

23 (2) Political subdivisions may impose permitting, zoning, and  
24 requirements less restrictive than the standards described in sections 5  
25 to 16 of this act.

26 (3) Political subdivisions shall not impose cumulative or stacking  
27 requirements on renewable energy generation facilities or energy storage  
28 resources that, when combined, create standards more restrictive than the  
29 standards described in sections 5 to 16 of this act.

30 (4) Political subdivisions shall not use terms such as special use  
31 permit, conditional use permit, or variance to impose requirements on

1 renewable energy generation facilities or energy storage resources more  
2 restrictive than the standards described in sections 5 to 16 of this act.

3 (5) Political subdivisions shall apply the standards described in  
4 sections 5 to 16 of this act uniformly to all renewable energy generation  
5 facilities and energy storage resources of the same type, regardless of  
6 ownership, size, or other characteristics, except as specifically  
7 provided in the Nameplate Capacity Tax Facility Standards Act.

8 (6) Requirements and standards imposed by federal law or federal  
9 agencies, including the Federal Aviation Administration, shall supersede  
10 the Nameplate Capacity Tax Facility Standards Act to the extent of any  
11 conflict between the act and such requirements and standards.

12 **Sec. 5.** (1) A renewable energy generation facility or energy  
13 storage resource shall meet the following setback requirements:

14 (a) For wind energy generation facilities, the setback requirements  
15 shall be:

16 (i) From the outside wall of participating and nonparticipating  
17 landowners' occupied dwelling units, one and one-tenth the total height  
18 of the renewable energy generation facility;

19 (ii) From nonparticipating landowners' property lines, one and one-  
20 tenth times the total height of the renewable energy generation facility;

21 (iii) From the center of public roads or rights-of-way, one and one-  
22 tenth times the total height of the renewable energy generation facility;

23 (iv) From occupied community buildings, one and one-tenth times the  
24 total height of the renewable energy generation facility; and

25 (v) From overhead communication lines not related to the renewable  
26 energy generation facility, one and one-tenth times the total height of  
27 the renewable energy generation facility;

28 (b) For solar energy generation facilities, the setback requirements  
29 shall be:

30 (i) From the outside wall of participating and nonparticipating  
31 landowners' occupied dwelling units, two hundred feet;

1       (ii) From nonparticipating landowners' property lines, twenty-five  
2 feet;

3       (iii) From the center of public roads or rights-of-way, seventy  
4 feet;

5       (iv) From occupied community buildings, two hundred feet; and

6       (v) From overhead communication lines not related to the renewable  
7 energy generation facility, twenty-five feet;

8       (c) For energy storage resources, the setback requirements shall be:

9       (i) From the outside wall of participating and nonparticipating  
10 landowners' occupied dwelling units, fifty feet;

11       (ii) From nonparticipating landowners' property lines, twenty-five  
12 feet;

13       (iii) From the center of public roads or rights-of-way, twenty-five  
14 feet;

15       (iv) From occupied community buildings, fifty feet; and

16       (v) From overhead communication lines not related to the energy  
17 storage resource, twenty-five feet.

18       (2) Setback requirements shall be measured from the base of the  
19 nearest wind turbine, solar panel, or energy storage container. Political  
20 subdivisions shall recognize a waiver of setback requirements to the  
21 extent an affected landowner has executed a written waiver of such  
22 requirements.

23       **Sec. 6.** (1) Political subdivisions shall not impose a height limit  
24 on wind turbines, solar panels, and energy storage containers and  
25 transportation and distribution infrastructure of any renewable energy  
26 generation facility or energy storage resource associated with such  
27 turbines, panels, or containers lower than the limitations imposed in  
28 this section. Federal Aviation Administration regulations shall supersede  
29 any height limitations imposed in this section.

30       (2) For solar energy generation facilities, the height limitation  
31 shall be at least twenty feet for any solar panel or related equipment.

1       **Sec. 7.**    (1) The county or counties where a renewable energy  
2 generation facility or energy storage resource is located shall require  
3 the owner of the facility or resource to provide an estimate and  
4 financial assurance for the decommissioning of the facility or resource.

5       (2) The county or counties where a renewable energy generation  
6 facility or energy storage resource is located may require the owner of  
7 the renewable energy generation facility or energy storage resource to  
8 update the decommissioning estimate and financial assurance described in  
9 subsection (1) of this section every five years or at longer intervals  
10 while the facility or resource is in operation.

11       (3) The county or counties where a renewable energy generation  
12 facility or energy storage resource is located shall not require the  
13 owner of a renewable energy generation facility or energy storage  
14 resource to provide the financial assurance described in subsection (1)  
15 of this section prior to the fifteenth year of operation for the facility  
16 or resource.

17       (4) Acceptable forms of financial assurance are surety bonds,  
18 letters of credit, and parent company guarantees from companies with  
19 investment-grade credit ratings. Escrow accounts and similar cash  
20 requirements are not acceptable forms of financial security for purposes  
21 of this section.

22       (5) Decommissioning shall be completed within eighteen months after  
23 cessation of commercial operations of a renewable energy generation  
24 facility or energy storage resource. The owner of the facility or  
25 resource shall provide written notice of such cessation to the county or  
26 counties where the facility or resource is located within ninety days  
27 after the cessation.

28       (6) Decommissioning shall include removal of all aboveground  
29 structures, removal of foundations to a depth of thirty-six inches, and  
30 restoration of the site to a condition suitable for the land's prior use.

31       (7) Upon decommissioning, the owner of the renewable energy

1 generation facility or energy storage resource shall restore the site to  
2 a condition suitable for agricultural production, including removal of  
3 gravel, restoration of topsoil, and establishment of ground cover to  
4 prevent erosion.

5 **Sec. 8.** (1) Political subdivisions shall not restrict sound from  
6 wind energy generation systems to quieter than fifty A-weighted decibels,  
7 measured as a ten-minute equivalent continuous sound level at the  
8 property line of any nonparticipating property.

9 (2) Political subdivisions shall recognize a waiver of noise  
10 restrictions to the extent an affected property owner has executed a  
11 written waiver of such restrictions.

12 (3) Noise measurements shall be conducted in accordance with  
13 standards established by the American National Standards Institute or  
14 other nationally recognized standards. Noise modeling shall be the  
15 accepted means of compliance with this subsection and any ordinance,  
16 regulation, or resolution a political subdivision may adopt. Political  
17 subdivisions shall not require noise measurements except for  
18 postconstruction compliance purposes.

19 **Sec. 9.** (1) Political subdivisions shall not regulate the  
20 visibility or visual impact of renewable energy generation facilities or  
21 energy storage resources, except that political subdivisions may require  
22 screening of solar energy generation facilities from view of adjacent  
23 homes, churches, schools, and parks by fencing, landscaping, or other  
24 means, as long as such screening is economically practicable and does not  
25 significantly reduce the energy production or storage of the facility or  
26 resource.

27 (2) Political subdivisions shall not impose color requirements on  
28 wind turbines except to require colors consistent with Federal Aviation  
29 Administration regulations.

30 (3) Political subdivisions may prohibit outdoor advertising or  
31 signage on renewable energy facilities except for reasonable



1 identification, warning, or safety signage required by law or industry  
2 standards.

3 **Sec. 10.** (1) Political subdivisions may restrict shadow flicker  
4 from wind energy generation facilities to no more than thirty hours per  
5 year at the outside wall of any nonparticipating occupied dwelling unit,  
6 as predicted by modeling software.

7 (2) If actual shadow flicker exceeds thirty hours per year at the  
8 outside wall of any nonparticipating occupied dwelling unit, the owner of  
9 the facility shall implement mitigation measures, which may include  
10 curtailment of specific turbines during times of shadow flicker  
11 occurrence.

12 **Sec. 11.** All renewable energy generation facilities and energy  
13 storage resources shall comply with the requirements of section 66-915.  
14 Political subdivisions shall not require lighting of renewable energy  
15 facilities or energy storage resources more restrictive than those in  
16 section 66-915, as required by Federal Aviation Administration  
17 regulations, or as necessary for safety purposes in accordance with the  
18 National Electrical Code.

19 **Sec. 12.** (1)(a) Before commencing construction, the owner of a  
20 renewable energy generation facility or energy storage resource shall  
21 conduct a video survey of the condition of county roads and bridges  
22 anticipated to be used for facility or resource construction and  
23 operation.

24 (b) The owner of the facility or resource shall be responsible for  
25 damage to county roads and bridges caused by construction or operation of  
26 the facility or resource, as documented by comparison to the  
27 preconstruction video survey described in subdivision (1)(a) of this  
28 section.

29 (c) An owner of a facility or resource and a county may enter into a  
30 road-use agreement specifying maintenance responsibilities, repair  
31 standards, and financial arrangements. Any such agreement shall be

1 completed before commencement of construction of the facility or  
2 resource.

3 (2)(a) If construction or operation of the renewable energy  
4 generation facility or energy storage resource damages subsurface  
5 drainage tile or surface drainage systems, the owner of the facility or  
6 resource shall repair or replace such systems within thirty days after  
7 notification of such damage or before the next planting season, whichever  
8 comes first.

9 (b) The owner of the facility or resource shall engage qualified  
10 professionals to locate and map subsurface drainage tile in the area of  
11 the proposed renewable energy generation facility or energy storage  
12 resource before construction and shall provide such mapping to affected  
13 landowners.

14 (3)(a) The owner of a renewable energy generation facility or energy  
15 storage resource shall segregate and stockpile topsoil separately from  
16 subsoil during construction.

17 (b) Upon completion of construction, the owner of the facility or  
18 resource shall restore topsoil to its original depth and condition and  
19 restore soil compaction to levels suitable for agricultural production  
20 within one growing season.

21 (4)(a) The owner of a renewable energy generation facility or energy  
22 storage resource shall compensate landowners for crop damage or loss  
23 resulting from construction or operation of the facility or resource at  
24 rates based on county average crop prices as determined by the United  
25 States Department of Agriculture National Agricultural Statistics  
26 Service.

27 (b) Compensation shall include any loss of production during  
28 construction and any reduction in yields resulting from soil compaction,  
29 drainage issues, or other facility or resource impacts during the  
30 following growing seasons until full productivity is restored.

31 (5) The owner of a renewable energy generation facility or energy

1 storage resource shall repair or replace fences, irrigation systems,  
2 terraces, and other agricultural infrastructure damage during  
3 construction of the facility or resource to their preconstruction  
4 condition or shall compensate the landowner for such damage.

5 **Sec. 13.** The owner of a renewable energy generation facility or  
6 energy storage resource shall control noxious weeds on the property of  
7 the facility or resource in accordance with sections 2-952 to 2-955.01  
8 and shall not allow weeds to spread to adjacent agricultural land.

9 **Sec. 14.** (1) The owner of a renewable energy generation facility or  
10 energy storage resource shall prepare and provide to local emergency  
11 responders an emergency response plan that includes facility layout,  
12 electrical hazards, access points, emergency contacts, and shutdown  
13 procedures.

14 (2) The owner of the facility or resource shall also provide annual  
15 safety training to local emergency responders at no cost to the county or  
16 emergency services.

17 **Sec. 15.** Political subdivisions may require a bond or other  
18 financial security other than an escrow account or cash deposit in an  
19 amount not to exceed one hundred twenty-five percent of the reasonable  
20 estimated amount necessary to ensure completion of any required road  
21 repairs related to the construction of a renewable energy generation  
22 facility or energy storage resource. The political subdivision shall  
23 release any such financial security upon completion of construction and  
24 satisfactory repair of any road damage.

25 **Sec. 16.** Political subdivisions may require the owner of a  
26 renewable energy generation facility or energy storage resource to  
27 maintain general liability insurance in commercially reasonable amounts  
28 and to name the political subdivision as an additional insured on such  
29 policies.

30 **Sec. 17.** (1) Before commencing the construction of any renewable  
31 energy generation facility or energy storage resource, the owner of the

1 facility or resource shall obtain a permit under the Nameplate Capacity  
2 Tax Facility Standards Act. To obtain such permit, the owner shall file  
3 an application with the county board of each county such facility or  
4 resource is located in.

5 (2) A complete application for a permit under the Nameplate Capacity  
6 Tax Facility Standards Act shall include, at a minimum:

7 (a) Site plans showing the proposed location of all renewable energy  
8 generation facilities or energy storage resources and associated  
9 infrastructure;

10 (b) Engineering studies or manufacturer specifications demonstrating  
11 compliance with setback, height, and noise standards established in the  
12 Nameplate Capacity Tax Facility Standards Act;

13 (c) The decommissioning estimate described in subsection (1) of  
14 section 7 of this act;

15 (d) Documentation of notice to affected landowners and public  
16 officials as required by resolution; and

17 (e) Payment of applicable filing fees established by resolution.

18 (3) A county board may require additional information for the  
19 application in addition to the requirements described in subsection (2)  
20 of this section only if such information is reasonably necessary to  
21 evaluate compliance with the specific standards established in the  
22 Nameplate Capacity Tax Facility Standards Act and is specified in a  
23 resolution adopted before the application is filed.

24 **Sec. 18.** (1) For any renewable energy generation facility or energy  
25 storage resource with a nameplate capacity of less than twenty-five  
26 megawatts, county boards shall approve or deny any application filed  
27 pursuant to section 17 of this act for such facility or resource within  
28 forty-five days after receiving a complete application. Failure of a  
29 county board to act on the application within forty-five days after such  
30 receipt shall constitute automatic approval of the application.

31 (2) For any renewable energy generation facility or energy storage

1 resource with a nameplate capacity of twenty-five megawatts or greater,  
2 county boards shall approve or deny any application filed pursuant to  
3 section 17 of this act for such facility or resource within ninety days  
4 after receiving a complete application. Failure of a county board to act  
5 on the application within ninety days after such receipt shall constitute  
6 automatic approval of the application.

7 (3) A permit applicant and a county board may agree in writing to  
8 extend the timelines described in subsections (1) and (2) of this  
9 section.

10 (4) The timelines described in subsections (1) and (2) of this  
11 section begin when an application is complete or is deemed complete  
12 pursuant to subsection (6) or (7) of this section, and any application  
13 not determined to be complete by a county board or deemed complete  
14 pursuant to subsection (6) or (7) of this section within ninety days  
15 after filing shall be deemed complete.

16 (5) Within fifteen days after receiving an application for any  
17 permit for a renewable energy generation facility or energy storage  
18 resource, a county board shall notify the permit applicant in writing  
19 whether the application is complete or identify with specificity:

20 (a) Each item of information or documentation required by the  
21 Nameplate Capacity Tax Facility Standards Act or by resolution adopted  
22 prior to application filing that is missing or deficient; and

23 (b) The specific statute or resolution that requires such  
24 information or documentation.

25 (6) Failure to notify the permit applicant within fifteen business  
26 days, or failure to identify deficiencies with the specificity required  
27 by subsection (5) of this section, shall result in the application being  
28 deemed complete.

29 (7) After notifying a permit applicant of deficiencies, the county  
30 shall have five business days after receiving the requested information  
31 or documentation to determine whether the deficiencies have been cured.

1 Failure to respond within five business days shall result in the  
2 application being deemed complete.

3 (8) A county board may not request additional information beyond  
4 that specified in the notification under subsection (5) of this section  
5 except to address issues that could not reasonably have been identified  
6 in the initial review of the application.

7 (9) The county board shall approve such application if, upon review,  
8 the construction of the renewable energy generation facility or energy  
9 storage resource is in the best interests of the public and issue the  
10 permit for construction.

11 **Sec. 19.** (1) Any permit applicant aggrieved by the denial of an  
12 application filed pursuant to section 17 of this act may appeal such  
13 denial to the district court of a county in which the renewable energy  
14 generation facility or energy storage resource is proposed to be located.

15 (2) Appeals under this section shall be filed within thirty days  
16 after a county board's denial of the application.

17 (3) The court shall review the county board's denial to determine  
18 whether the denial was:

19 (a) Arbitrary and capricious;

20 (b) Based on a determination of fact that is not supported by  
21 evidence in the record; or

22 (c) Contrary to law or in excess of the county board's authority  
23 under the Nameplate Capacity Tax Facility Standards Act.

24 (4) If the court finds that the denial meets any one of the  
25 conditions described in subsection (3) of this section, the court shall  
26 remand the matter to the county board with instructions to approve the  
27 permit or to reconsider the application consistent with the court's  
28 findings.

29 (5) A prevailing permit applicant shall be entitled to recover  
30 reasonable attorney's fees and costs from the county.

31 **Sec. 20.** (1) Political subdivisions may include ongoing compliance

1 with the standards described in sections 5 to 16 of this act as  
2 additional conditions on any permit issued for a renewable energy  
3 generation facility or energy storage resource.

4 (2) Noncompliance with such standards shall not affect the validity  
5 of any permit issued but may subject the owner of a renewable energy  
6 generation facility or energy storage resource to enforcement actions by  
7 affected landowners and to sanctions by political subdivisions for  
8 noncompliance.

9 **Sec. 21.** Nothing in the Nameplate Capacity Tax Facility Standards  
10 Act shall prohibit the owner of a renewable energy generation facility or  
11 energy storage resource from voluntarily agreeing to more restrictive  
12 standards as part of private agreements with affected landowners.

13 **Sec. 22.** The Nameplate Capacity Tax Facility Standards Act shall  
14 not apply to customer-generators as defined in section 70-2002.

15 **Sec. 23.** (1) The governing body of a political subdivision imposing  
16 any of the standards described in sections 5 to 16 of this act on a  
17 renewable energy generation facility or energy storage resource shall  
18 adopt such standards by resolution following a public hearing with at  
19 least ten days' published notice.

20 (2) Any ordinance, resolution, or regulation in effect on January 1,  
21 2027, that imposes requirements more restrictive than standards described  
22 in sections 5 to 16 of this act shall be void and unenforceable as  
23 applied to:

24 (a) Renewable energy generation facilities or energy storage  
25 resources permitted on or after January 1, 2027; and

26 (b) Renewable energy generation facilities or energy storage  
27 resources permitted before January 1, 2027, if the permit holder elects  
28 in writing to be subject to the standards described in sections 5 to 16  
29 of this act.

30 (3)(a) Any permits for renewable energy generation facilities or  
31 energy storage resources granted by a political subdivision before

1 January 1, 2027, pursuant to an ordinance, resolution, or regulation in  
2 effect at the time the permit was granted shall remain valid and  
3 enforceable.

4 (b) Nothing in the Nameplate Capacity Tax Facility Standards Act  
5 shall be construed to invalidate or impair such permits or the rights  
6 granted thereunder unless the permitholder makes the election under  
7 subdivision (2)(b) of this section.

8 (4) The holder of any permit described in subdivision (3)(a) of this  
9 section shall have the right to maintain the permitted facility or  
10 resource, including replacing all wind turbine generators, solar panel  
11 arrays, and energy storage containers, to the extent allowed under such  
12 permit without obtaining a new permit or amending an existing permit  
13 other than a ministerial zoning or building permit required for  
14 informational purposes only.

15 (5) A permitholder's election under subdivision (2)(b) of this  
16 section shall be irrevocable once made and shall apply to all aspects of  
17 the renewable energy generation facility or energy storage resource. Upon  
18 the election, the permitholder shall comply with all requirements of the  
19 Nameplate Capacity Tax Facility Standards Act.

20 **Sec. 24.** (1) An owner of a renewable energy generation facility or  
21 energy storage resource aggrieved by a political subdivision's imposition  
22 of requirements more restrictive than the standards described in sections  
23 5 to 16 of this act may bring an action in district court for declaratory  
24 and injunctive relief.

25 (2) A court finding that a political subdivision has imposed  
26 requirements more restrictive than the standards described in sections 5  
27 to 16 of this act shall award reasonable attorney's fees and costs to a  
28 prevailing facility or resource owner.

29 **Sec. 25.** (1) It is the intent of the Legislature that any permit a  
30 political subdivision may grant for a renewable energy generation  
31 facility and energy storage resource is no more restrictive on such



1 facility or resource than the standards described in sections 5 to 16 of  
2 this act.

3 (2) Political subdivisions have only the authority expressly granted  
4 in the Nameplate Capacity Tax Facility Standards Act with respect to  
5 renewable energy generation facilities and energy storage resources.  
6 Counties may adopt less restrictive standards for facilities and  
7 resources than the standards described in sections 5 to 16 of this act  
8 but may not impose any additional requirements.

9 (3) Political subdivisions shall not adopt or enforce any ordinance,  
10 resolution, or regulation that imposes standards or requirements more  
11 restrictive than the standards described in sections 5 to 16 of this act  
12 with respect to renewable energy generation facilities or energy storage  
13 resources.

14 (4) The Nameplate Capacity Tax Facility Standards Act shall preempt  
15 and supersede any conflicting local ordinance, resolution, or regulation  
16 to the extent of such conflict. Political subdivisions retain authority  
17 to impose less restrictive requirements on or approve permits that do not  
18 impose any discretionary requirements beyond ministerial building and  
19 zoning permits for renewable energy generation facilities or energy  
20 storage resources.

21 (5) Nothing in the Nameplate Capacity Tax Facility Standards Act  
22 shall be construed to limit the authority of political subdivisions to  
23 regulate land use for purposes other than renewable energy generation  
24 facilities or energy storage resources.

25 **Sec. 26.** Section 13-518, Revised Statutes Supplement, 2025, is  
26 amended to read:

27 13-518 For purposes of sections 13-518 to 13-522:

28 (1) Allowable growth means (a) for governmental units other than  
29 community colleges, the percentage increase in taxable valuation in  
30 excess of the base limitation established under section 77-3446, if any,  
31 due to (i) improvements to real property as a result of new construction

1 and additions to existing buildings, (ii) any other improvements to real  
2 property which increase the value of such property, (iii) any increase in  
3 valuation due to annexation of real property by the governmental unit,  
4 (iv) a change in the use of real property, (v) any increase in personal  
5 property valuation over the prior year, and (vi) the accumulated excess  
6 valuation over the redevelopment project valuation described in section  
7 18-2147 of the Community Development Law for redevelopment projects  
8 within the governmental unit in the year immediately after the division  
9 of taxes for such redevelopment project has ended and (b) for community  
10 colleges, the percentage increase in excess of the base limitation, if  
11 any, in full-time equivalent students from the second year to the first  
12 year preceding the year for which the budget is being determined;

13 (2) Capital improvements means (a) acquisition of real property or  
14 (b) acquisition, construction, or extension of any improvements on real  
15 property;

16 (3) Governing body has the same meaning as in section 13-503, except  
17 that for fiscal years beginning on or after July 1, 2025, such term shall  
18 not include the governing body of any county, city, or village;

19 (4) Governmental unit means every political subdivision which has  
20 authority to levy a property tax or authority to request levy authority  
21 under section 77-3443, except that such term shall not include (a)  
22 sanitary and improvement districts which have been in existence for five  
23 years or less, (b) school districts, or (c) for fiscal years beginning on  
24 or after July 1, 2025, counties, cities, or villages;

25 (5) Qualified sinking fund means a fund or funds maintained  
26 separately from the general fund to pay for acquisition or replacement of  
27 tangible personal property with a useful life of five years or more which  
28 is to be undertaken in the future but is to be paid for in part or in  
29 total in advance using periodic payments into the fund. The term includes  
30 sinking funds under subdivision (13) of section 35-508 for firefighting  
31 and rescue equipment or apparatus;

1           (6) Restricted funds means (a) property tax, excluding any amounts  
2   refunded to taxpayers, (b) payments in lieu of property taxes, (c) local  
3   option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers  
4   of surpluses from any user fee, permit fee, or regulatory fee if the fee  
5   surplus is transferred to fund a service or function not directly related  
6   to the fee and the costs of the activity funded from the fee, (g) any  
7   funds excluded from restricted funds for the prior year because they were  
8   budgeted for capital improvements but which were not spent and are not  
9   expected to be spent for capital improvements, (h) the tax provided in  
10   sections 77-27,223 to 77-27,227 beginning in the second fiscal year in  
11   which the county will receive a full year of receipts, and (i) any excess  
12   tax collections returned to the county under section 77-1776. Funds  
13   received pursuant to the nameplate capacity tax levied under section  
14   77-6203 for the first five years after a renewable energy generation  
15   facility or energy storage resource has been commissioned are  
16   nonrestricted funds; and

17           (7) State aid means:

18           (a) For all governmental units, state aid paid pursuant to sections  
19   60-3,202 and 77-3523 and reimbursement provided pursuant to section  
20   77-1239;

21           (b) For municipalities, state aid to municipalities paid pursuant to  
22   sections 39-2501 to 39-2520, 60-3,190, and 77-27,139.04 and insurance  
23   premium tax paid to municipalities;

24           (c) For counties, state aid to counties paid pursuant to sections  
25   60-3,184 to 60-3,190, insurance premium tax paid to counties, and  
26   reimbursements to counties from funds appropriated pursuant to section  
27   29-3933;

28           (d) For community colleges, state aid to community colleges paid  
29   pursuant to the Community College Aid Act;

30           (e) For educational service units, state aid appropriated under  
31   sections 79-1241.01 and 79-1241.03; and

1 (f) For local public health departments as defined in section  
2 71-1626, state aid as distributed under section 71-1628.08.

3 **Sec. 27.** Section 77-105, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-105 The term tangible personal property includes all personal  
6 property possessing a physical existence, excluding money. The term  
7 tangible personal property also includes trade fixtures, which means  
8 machinery and equipment, regardless of the degree of attachment to real  
9 property, used directly in commercial, manufacturing, or processing  
10 activities conducted on real property, regardless of whether the real  
11 property is owned or leased, and all depreciable tangible personal  
12 property described in subsection (9) of section 77-202 used in the  
13 generation of electricity using wind, solar, biomass, or landfill gas as  
14 the fuel source or in the storage of such electricity in an energy  
15 storage resource as defined in section 77-6202. The term intangible  
16 personal property includes all other personal property, including money.

17 **Sec. 28.** Section 77-202, Revised Statutes Supplement, 2025, is  
18 amended to read:

19 77-202 (1) The following property shall be exempt from property  
20 taxes:

21 (a) Property of the state and its governmental subdivisions to the  
22 extent used or being developed for use by the state or governmental  
23 subdivision for a public purpose. For purposes of this subdivision:

24 (i) Property of the state and its governmental subdivisions means  
25 (A) property held in fee title by the state or a governmental subdivision  
26 or (B) property beneficially owned by the state or a governmental  
27 subdivision in that it is used for a public purpose and is being acquired  
28 under a lease-purchase agreement, financing lease, or other instrument  
29 which provides for transfer of legal title to the property to the state  
30 or a governmental subdivision upon payment of all amounts due thereunder.  
31 If the property to be beneficially owned by a governmental subdivision

1 has a total acquisition cost that exceeds the threshold amount or will be  
2 used as the site of a public building with a total estimated construction  
3 cost that exceeds the threshold amount, then such property shall qualify  
4 for an exemption under this section only if the question of acquiring  
5 such property or constructing such public building has been submitted at  
6 a primary, general, or special election held within the governmental  
7 subdivision and has been approved by the voters of the governmental  
8 subdivision. For purposes of this subdivision, threshold amount means the  
9 greater of fifty thousand dollars or six-tenths of one percent of the  
10 total actual value of real and personal property of the governmental  
11 subdivision that will beneficially own the property as of the end of the  
12 governmental subdivision's prior fiscal year; and

13 (ii) Public purpose means use of the property (A) to provide public  
14 services with or without cost to the recipient, including the general  
15 operation of government, public education, public safety, transportation,  
16 public works, civil and criminal justice, public health and welfare,  
17 developments by a public housing authority, parks, culture, recreation,  
18 community development, and cemetery purposes, or (B) to carry out the  
19 duties and responsibilities conferred by law with or without  
20 consideration. Public purpose does not include leasing of property to a  
21 private party unless the lease of the property is at fair market value  
22 for a public purpose. Leases of property by a public housing authority to  
23 low-income individuals as a place of residence are for the authority's  
24 public purpose;

25 (b) Unleased property of the state or its governmental subdivisions  
26 which is not being used or developed for use for a public purpose but  
27 upon which a payment in lieu of taxes is paid for public safety, rescue,  
28 and emergency services and road or street construction or maintenance  
29 services to all governmental units providing such services to the  
30 property. Except as provided in Article VIII, section 11, of the  
31 Constitution of Nebraska, the payment in lieu of taxes shall be based on

1 the proportionate share of the cost of providing public safety, rescue,  
2 or emergency services and road or street construction or maintenance  
3 services unless a general policy is adopted by the governing body of the  
4 governmental subdivision providing such services which provides for a  
5 different method of determining the amount of the payment in lieu of  
6 taxes. The governing body may adopt a general policy by ordinance or  
7 resolution for determining the amount of payment in lieu of taxes by  
8 majority vote after a hearing on the ordinance or resolution. Such  
9 ordinance or resolution shall nevertheless result in an equitable  
10 contribution for the cost of providing such services to the exempt  
11 property;

12 (c) Property owned by and used exclusively for agricultural and  
13 horticultural societies;

14 (d)(i) Property owned by educational, religious, charitable, or  
15 cemetery organizations, or any organization for the exclusive benefit of  
16 any such educational, religious, charitable, or cemetery organization,  
17 and used exclusively for educational, religious, charitable, or cemetery  
18 purposes, when such property is not (A) owned or used for financial gain  
19 or profit to either the owner or user, (B) used for the sale of alcoholic  
20 liquors for more than twenty hours per week, or (C) owned or used by an  
21 organization which discriminates in membership or employment based on  
22 race, color, or national origin.

23 (ii) For purposes of subdivision (1)(d) of this section:

24 (A) Educational organization means (I) an institution operated  
25 exclusively for the purpose of offering regular courses with systematic  
26 instruction in academic, vocational, or technical subjects or assisting  
27 students through services relating to the origination, processing, or  
28 guarantying of federally reinsured student loans for higher education,  
29 (II) a museum or historical society operated exclusively for the benefit  
30 and education of the public, or (III) a nonprofit organization that owns  
31 or operates a child care facility; and

1 (B) Charitable organization includes (I) an organization operated  
2 exclusively for the purpose of the mental, social, or physical benefit of  
3 the public or an indefinite number of persons and (II) a fraternal  
4 benefit society organized and licensed under sections 44-1072 to  
5 44-10,109.

6 (iii) The property tax exemption authorized in subdivision (1)(d)(i)  
7 of this section shall apply to any for-profit skilled nursing facility,  
8 for-profit nursing facility, or for-profit assisted-living facility that  
9 provides housing for medicaid beneficiaries, except that the exemption  
10 amount for such property shall be a percentage of the property taxes that  
11 would otherwise be due. Such percentage shall be equal to the average  
12 percentage of occupied beds in the facility provided to medicaid  
13 beneficiaries over the most recent three-year period. This subdivision  
14 shall not be construed to modify, limit, or reduce any property tax  
15 exemption provided to a nonprofit skilled nursing facility, nonprofit  
16 nursing facility, or nonprofit assisted-living facility pursuant to  
17 subdivision (1)(d)(i) of this section. For purposes of this subdivision,  
18 skilled nursing facility has the same meaning as in section 71-429,  
19 nursing facility has the same meaning as in section 71-424, and assisted-  
20 living facility has the same meaning as in section 71-5903.

21 (iv) The property tax exemption authorized in subdivision (1)(d)(i)  
22 of this section shall apply to a building that (A) is owned by a  
23 charitable organization, (B) is made available to students in attendance  
24 at an educational institution, and (C) is recognized by such educational  
25 institution as approved student housing, except that the exemption shall  
26 only apply to the commons area of such building, including any common  
27 rooms and cooking and eating facilities;

28 (e) Household goods and personal effects not owned or used for  
29 financial gain or profit to either the owner or user; and

30 (f) A portion of the property owned by a taxpayer as provided in the  
31 Recreational Trail Easement Property Tax Exemption Act.

1           (2) The increased value of land by reason of shade and ornamental  
2 trees planted along the highway shall not be taken into account in the  
3 valuation of land.

4           (3) Tangible personal property which is not depreciable tangible  
5 personal property as defined in section 77-119 shall be exempt from  
6 property tax.

7           (4) Motor vehicles, trailers, and semitrailers required to be  
8 registered for operation on the highways of this state shall be exempt  
9 from payment of property taxes.

10          (5) Business and agricultural inventory shall be exempt from the  
11 personal property tax. For purposes of this subsection, business  
12 inventory includes personal property owned for purposes of leasing or  
13 renting such property to others for financial gain only if the personal  
14 property is of a type which in the ordinary course of business is leased  
15 or rented thirty days or less and may be returned at the option of the  
16 lessee or renter at any time and the personal property is of a type which  
17 would be considered household goods or personal effects if owned by an  
18 individual. All other personal property owned for purposes of leasing or  
19 renting such property to others for financial gain shall not be  
20 considered business inventory.

21          (6) Any personal property exempt pursuant to subsection (2) of  
22 section 77-4105 or section 77-5209.02 shall be exempt from the personal  
23 property tax.

24          (7) Livestock shall be exempt from the personal property tax.

25          (8) Any personal property exempt pursuant to the Nebraska Advantage  
26 Act or the Imagine Nebraska Act shall be exempt from the personal  
27 property tax.

28          (9) Any depreciable tangible personal property used ~~directly~~ in the  
29 generation of electricity using wind as the fuel source or in the storage  
30 of such electricity in an energy storage resource as defined in section  
31 77-6202 shall be exempt from the property tax levied on depreciable



1 tangible personal property. Any depreciable tangible personal property  
2 used ~~directly~~ in the generation of electricity using solar, biomass, or  
3 landfill gas as the fuel source or in the storage of such electricity in  
4 an energy storage resource as defined in section 77-6202 shall be exempt  
5 from the property tax levied on depreciable tangible personal property if  
6 such depreciable tangible personal property was installed on or after  
7 January 1, 2016, and has a nameplate capacity of one hundred kilowatts or  
8 more. Depreciable tangible personal property used ~~directly~~ in the  
9 generation or storage of electricity using wind, solar, biomass, or  
10 landfill gas as the fuel source includes, but is not limited to, wind  
11 turbines, rotors and blades, towers, solar panels, trackers, generating  
12 equipment, transmission components, substations, supporting structures or  
13 racks, inverters, and other system components such as wiring, control  
14 systems, switchgears, ~~and~~ generator step-up transformers, battery  
15 modules, battery racks, power conversion systems, battery enclosures,  
16 battery cells, and battery management systems.

17 (10) Any tangible personal property that is acquired by a person  
18 operating a data center located in this state, that is assembled,  
19 engineered, processed, fabricated, manufactured into, attached to, or  
20 incorporated into other tangible personal property, both in component  
21 form or that of an assembled product, for the purpose of subsequent use  
22 at a physical location outside this state by the person operating a data  
23 center shall be exempt from the personal property tax. Such exemption  
24 extends to keeping, retaining, or exercising any right or power over  
25 tangible personal property in this state for the purpose of subsequently  
26 transporting it outside this state for use thereafter outside this state.  
27 For purposes of this subsection, data center means computers, supporting  
28 equipment, and other organized assembly of hardware or software that are  
29 designed to centralize the storage, management, or dissemination of data  
30 and information, environmentally controlled structures or facilities or  
31 interrelated structures or facilities that provide the infrastructure for

1 housing the equipment, such as raised flooring, electricity supply,  
2 communication and data lines, Internet access, cooling, security, and  
3 fire suppression, and any building housing the foregoing.

4 (11) For tax years prior to tax year 2020, each person who owns  
5 property required to be reported to the county assessor under section  
6 77-1201 shall be allowed an exemption amount as provided in the Personal  
7 Property Tax Relief Act. For tax years prior to tax year 2020, each  
8 person who owns property required to be valued by the state as provided  
9 in section 77-601, 77-682, 77-801, or 77-1248 shall be allowed a  
10 compensating exemption factor as provided in the Personal Property Tax  
11 Relief Act.

12 (12)(a) Broadband equipment shall be exempt from the personal  
13 property tax if such broadband equipment is:

14 (i) Deployed in an area funded in whole or in part by funds from the  
15 Broadband Equity, Access, and Deployment Program, authorized by the  
16 federal Infrastructure Investment and Jobs Act, Public Law 117-58; or

17 (ii) Deployed in a qualified census tract located within the  
18 corporate limits of a city of the metropolitan class and being utilized  
19 to provide end-users with access to the Internet at speeds of at least  
20 one hundred megabits per second for downloading and at least one hundred  
21 megabits per second for uploading.

22 (b) An owner of broadband equipment seeking an exemption under this  
23 section shall apply for an exemption to the county assessor on or before  
24 December 31 of the year preceding the year for which the exemption is to  
25 begin. If the broadband equipment meets the criteria described in this  
26 subsection, the county assessor shall approve the application within  
27 thirty calendar days after receiving the application. The application  
28 shall be on forms prescribed by the Tax Commissioner.

29 (c) For purposes of this subsection:

30 (i) Broadband communications service means telecommunications  
31 service as defined in section 86-121, video programming as defined in 47

1 U.S.C. 522, as such section existed on January 1, 2024, or Internet  
2 access as defined in section 1104 of the federal Internet Tax Freedom  
3 Act, Public Law 105-277;

4 (ii) Broadband equipment means machinery or equipment used to  
5 provide broadband communications service and includes, but is not limited  
6 to, wires, cables, fiber, conduits, antennas, poles, switches, routers,  
7 amplifiers, rectifiers, repeaters, receivers, multiplexers, duplexers,  
8 transmitters, circuit cards, insulating and protective materials and  
9 cases, power equipment, backup power equipment, diagnostic equipment,  
10 storage devices, modems, and other general central office or headend  
11 equipment, such as channel cards, frames, and cabinets, or equipment used  
12 in successor technologies, including items used to monitor, test,  
13 maintain, enable, or facilitate qualifying equipment, machinery,  
14 software, ancillary components, appurtenances, accessories, or other  
15 infrastructure that is used in whole or in part to provide broadband  
16 communications service. Machinery or equipment used to produce broadband  
17 communications service does not include personal consumer electronics,  
18 including, but not limited to, smartphones, computers, and tablets; and

19 (iii) Qualified census tract means a qualified census tract as  
20 defined in 26 U.S.C. 42(d)(5)(B)(ii)(I), as such section existed on  
21 January 1, 2024.

22 **Sec. 29.** Section 77-1359, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 77-1359 The Legislature finds and declares that agricultural land  
25 and horticultural land shall be a separate and distinct class of real  
26 property for purposes of assessment. The assessed value of agricultural  
27 land and horticultural land shall not be uniform and proportionate with  
28 all other real property, but the assessed value shall be uniform and  
29 proportionate within the class of agricultural land and horticultural  
30 land.

31 For purposes of this section and section 77-1363:

1           (1)(a) Agricultural land and horticultural land means a parcel of  
2 land, excluding land associated with a building or enclosed structure  
3 located on the parcel, which is primarily used for agricultural or  
4 horticultural purposes, including wasteland lying in or adjacent to and  
5 in common ownership or management with other agricultural land and  
6 horticultural land.

7           (b) Agricultural land and horticultural land includes ~~does not~~  
8 ~~include~~ land used for a renewable energy generation facility or energy  
9 storage resource ~~commercial purposes that are not agricultural or~~  
10 ~~horticultural purposes, such as land used for a solar farm or wind farm;~~

11           (2)(a) Agricultural or horticultural purposes means used for the  
12 commercial production of any plant or animal product in a raw or  
13 unprocessed state that is derived from the science and art of  
14 agriculture, aquaculture, or horticulture.

15           (b) Agricultural or horticultural purposes includes the following  
16 uses of land:

17           (i) Land retained or protected for future agricultural or  
18 horticultural purposes under a conservation easement as provided in the  
19 Conservation and Preservation Easements Act except when the parcel or a  
20 portion thereof is being used for purposes other than agricultural or  
21 horticultural purposes; ~~and~~

22           (ii) Land enrolled in a federal or state program in which payments  
23 are received for removing such land from agricultural or horticultural  
24 production; and -

25           (iii) Land used for a renewable energy generation facility or an  
26 energy storage resource or any infrastructure serving or appurtenant or  
27 accessory to such a use.

28           (c) Whether a parcel of land is primarily used for agricultural or  
29 horticultural purposes shall be determined without regard to whether some  
30 or all of the parcel is platted and subdivided into separate lots or  
31 developed with improvements consisting of streets, sidewalks, curbs,

1 gutters, sewer lines, water lines, or utility lines;

2 (3) Energy storage resource has the same meaning as in section  
3 77-6202;

4 (4) {3} Farm home site means land contiguous to a farm site which  
5 includes an inhabitable residence and improvements used for residential  
6 purposes and which is located outside of urban areas or outside a platted  
7 and zoned subdivision; ~~and~~

8 (5) {4} Farm site means the portion of land contiguous to land  
9 actively devoted to agriculture which includes improvements that are  
10 agricultural or horticultural in nature, including any uninhabitable or  
11 unimproved farm home site; and -

12 (6) Renewable energy generation facility has the same meaning as in  
13 section 77-6202.

14 **Sec. 30.** Section 77-6201, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 77-6201 The Legislature finds and declares:

17 (1) The purpose of the nameplate capacity tax levied under section  
18 77-6203 is to replace property taxes currently imposed on renewable  
19 energy and energy storage infrastructure and depreciated over a short  
20 period of time in a way that causes local budgeting challenges and  
21 increases upfront costs for renewable energy developers;

22 (2) The nameplate capacity tax should be competitive with taxes  
23 imposed directly and indirectly on renewable energy generation, storage,  
24 and development in other states;

25 (3) The nameplate capacity tax should be fair and nondiscriminatory  
26 when compared with other taxes imposed on other industries in the state;  
27 and

28 (4) The nameplate capacity tax should not be singled out as a source  
29 of General Fund revenue during times of economic hardship.

30 **Sec. 31.** Section 77-6202, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

1           77-6202 For purposes of sections 77-6201 to 77-6204:

2           (1) Commissioned means the renewable energy generation facility or  
3 energy storage resource has been in commercial operation for at least  
4 twenty-four hours. A renewable energy generation facility or energy  
5 storage resource is not in commercial operation unless the renewable  
6 energy generation facility or energy storage resource is connected and  
7 transmitting energy to the electrical grid, to an associated renewable  
8 energy generation facility, or to the end user if the renewable energy  
9 generation facility is a customer-generator as defined in section  
10 70-2002;

11          (2) Energy storage resource means equipment or systems that are co-  
12 located with a renewable energy generation facility and capable of  
13 receiving electrical energy, storing such energy, and discharging such  
14 energy, with a nameplate capacity of one hundred kilowatts or more. An  
15 energy storage resource shall be co-located with a renewable energy  
16 generation facility if it is located on the same parcel of land or on  
17 parcels of land that are contiguous to and under common ownership or  
18 lease with the parcel on which the renewable energy generation facility  
19 is located. Energy storage resource does not include any device or  
20 equipment intended solely to inject or absorb reactive power, including  
21 any capacitor and synchronous condenser, or to provide power for electric  
22 vehicles;

23          (3) ~~(2)~~ Nameplate capacity means the capacity of (a) a renewable  
24 energy generation facility to generate electricity as measured in  
25 megawatts, including fractions of a megawatt, or (b) an energy storage  
26 resource to store electricity as measured in megawatts, including  
27 fractions of a megawatt. Nameplate capacity shall be determined based on  
28 the facility's alternating current capacity of the facility or resource;  
29 and

30          (4) Permitted means the proposed renewable energy generation  
31 facility or energy storage resource has received one or more government

1 permits or licenses associated with the proposed facility or resource;  
2 and

3 (5) {3} Renewable energy generation facility means (a) a facility  
4 that generates electricity using wind as the fuel source or (b) a  
5 facility that generates electricity using solar, biomass, or landfill gas  
6 as the fuel source if such facility was installed on or after January 1,  
7 2016, and has a nameplate capacity of one hundred kilowatts or more.

8 **Sec. 32.** Section 77-6203, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 77-6203 (1)(a) {1} The owner of a renewable energy generation  
11 facility permitted before January 1, 2027, annually shall annually pay a  
12 nameplate capacity tax equal to the total nameplate capacity of the  
13 commissioned renewable energy generation facility multiplied by a tax  
14 rate of three thousand five hundred eighteen dollars per megawatt.

15 (b) The owner of a privately owned renewable energy generation  
16 facility permitted on or after January 1, 2027, that generates  
17 electricity using wind or solar as the fuel source shall annually pay a  
18 nameplate capacity tax equal to the total nameplate capacity of the  
19 commissioned renewable energy generation facility multiplied by a tax  
20 rate of three thousand five hundred and eighteen dollars per megawatt.

21 (c) The owner of a privately owned and permitted energy storage  
22 resource shall annually pay a nameplate capacity tax equal to the total  
23 nameplate capacity of the commissioned energy storage resource multiplied  
24 by a tax rate of three thousand five hundred eighteen dollars per  
25 megawatt.

26 (2) No tax shall be imposed on a renewable energy generation  
27 facility or energy storage resource:

28 (a) Owned or operated by the federal government, the State of  
29 Nebraska, a public power district, a public power and irrigation  
30 district, an individual municipality, a registered group of  
31 municipalities, an electric membership association, or a cooperative; or

1 (b) That is a customer-generator as defined in section 70-2002.

2 (3) No tax levied pursuant to this section shall be construed to  
3 constitute restricted funds as defined in section 13-518 for the first  
4 five years after the renewable energy generation facility or energy  
5 storage resource is commissioned.

6 (4) The presence of one or more renewable energy generation  
7 facilities, energy storage resources, or supporting infrastructure shall  
8 not be a factor in the assessment, determination of actual value, or  
9 classification under section 77-201 of the real property underlying or  
10 adjacent to such facilities, resources, or infrastructure.

11 (5)(a)(i) On or before March 1 of each year, the owner of a  
12 renewable energy generation facility or energy storage resource subject  
13 to the nameplate capacity tax shall file a report with the county  
14 treasurer of each county in which the facility or resource is located and  
15 provide a copy of such report to the Department of Revenue.

16 (ii) The report shall state the nameplate capacity of the facility  
17 or resource for the prior calendar year from January 1 through December  
18 31 and shall be on a form prescribed by the Department of Revenue.

19 (b) Upon receipt of the report filed pursuant to subdivision (5)(a)  
20 of this section, the county treasurer shall calculate the amount of the  
21 nameplate capacity tax based on the reported nameplate capacity and the  
22 tax rate provided in subsection (1) of this section. The county treasurer  
23 shall, prior to April 1 of each year, notify the owner of the amount of  
24 tax due and the date such tax is due.

25 (c) The Department of Revenue shall review all reports filed  
26 pursuant to subdivision (5)(a) of this section for accuracy, consistency,  
27 and compliance with this section. The Department of Revenue may audit  
28 facilities as necessary to verify reported nameplate capacity. (5)(a) The  
29 Department of Revenue shall collect the tax due under this section.

30 (d) ~~(b)~~ The tax shall be imposed beginning the first calendar year  
31 the renewable energy generation facility or energy storage resource is



1 commissioned. A renewable energy generation facility that uses wind as  
2 the fuel source which was commissioned prior to July 15, 2010, shall be  
3 subject to the tax levied pursuant to sections 77-6201 to 77-6204 on and  
4 after January 1, 2010. The amount of property tax on depreciable tangible  
5 personal property previously paid on a renewable energy generation  
6 facility that uses wind as the fuel source which was commissioned prior  
7 to July 15, 2010, which is greater than the amount that would have been  
8 paid pursuant to sections 77-6201 to 77-6204 from the date of  
9 commissioning until January 1, 2010, shall be credited against any tax  
10 due under Chapter 77, and any amount so credited that is unused in any  
11 tax year shall be carried over to subsequent tax years until fully  
12 utilized. The amount of property tax on depreciable tangible personal  
13 property previously paid on an energy storage resource which was  
14 commissioned before January 1, 2027, which is greater than the amount  
15 that would have been paid pursuant to sections 77-6201 to 77-6204 from  
16 the date of commissioning until January 1, 2027, shall be credited  
17 against any tax due under Chapter 77, and any amount so credited that is  
18 unused in any tax year shall be carried over to subsequent tax years  
19 until fully utilized.

20 (e)(i) ~~(e)(i)~~ The tax for the first calendar year shall be prorated  
21 based upon the number of days remaining in the calendar year after the  
22 renewable energy generation facility or energy storage resource is  
23 commissioned.

24 (ii) In the first year in which a renewable energy generation  
25 facility or energy storage resource is taxed or in any year in which  
26 additional commissioned nameplate capacity is added to a renewable energy  
27 generation facility or energy storage resource, the taxes on the initial  
28 or additional nameplate capacity shall be prorated for the number of days  
29 remaining in the calendar year.

30 (iii) When a renewable energy generation facility or energy storage  
31 resource is decommissioned or made nonoperational by a change in law

1 during a tax year, the taxes shall be prorated for the number of days  
2 during which the renewable energy generation facility or energy storage  
3 resource was not decommissioned or was operational.

4 (iv) When the capacity of a renewable energy generation facility or  
5 energy storage resource to produce or store electricity is reduced but  
6 the renewable energy generation facility or energy storage resource is  
7 not decommissioned, the nameplate capacity of the renewable energy  
8 generation facility or energy storage resource is deemed to be unchanged.

9 ~~(6)(a) On March 1 of each year, the owner of a renewable energy~~  
10 ~~generation facility shall file with the Department of Revenue a report on~~  
11 ~~the nameplate capacity of the facility for the previous year from January~~  
12 ~~1 through December 31. All taxes imposed by this section shall be due on~~  
13 ~~April 1 and shall be delinquent if not paid to the county treasurer of~~  
14 ~~each county in which the renewable energy generation facility or energy~~  
15 ~~storage resource is located. on a quarterly basis on April 1 and each~~  
16 ~~quarter thereafter. Delinquent quarterly payments shall draw interest at~~  
17 ~~the rate provided for in section 45-104.02, as such rate may from time to~~  
18 ~~time be adjusted.~~

19 (b) The owner of a renewable energy generation facility or energy  
20 storage resource is liable for the taxes under this section with respect  
21 to the facility or resource, whether or not the owner of the facility or  
22 resource is the owner of the land on which the facility or resource is  
23 situated.

24 (7) Failure to file a report required by subsection (6) of this  
25 section, filing such report late, failure to pay taxes due, or  
26 underpayment of such taxes shall result in a penalty of five percent of  
27 the amount due being imposed for each quarter the report is overdue or  
28 the payment is delinquent, except that the penalty shall not exceed ten  
29 thousand dollars.

30 (8) The Department of Revenue ~~shall enforce the provisions of this~~  
31 ~~section. The department~~ may adopt and promulgate rules and regulations

1 to:

2 (a) Prescribe the form and content of reports required under  
3 subsection (5) of this section;

4 (b) Establish audit procedures and standards for verifying nameplate  
5 capacity reported under subsection (5) of this section;

6 (c) Ensure consistent calculation and collection of the nameplate  
7 capacity tax across all counties; and

8 (d) Establish procedures for assessing penalties authorized under  
9 subsection (7) of this section for failure to file required reports, late  
10 filing, failure to pay taxes due, or underpayment of taxes. necessary for  
11 the implementation and enforcement of this section.

12 (9) The county treasurer shall distribute all revenue received  
13 pursuant to this section as provided in section 77-6204 within thirty  
14 days after receipt of such revenue. The Department of Revenue shall  
15 separately identify the proceeds from the tax imposed by this section and  
16 shall pay all such proceeds over to the county treasurer of the county  
17 where the renewable energy generation facility is located within thirty  
18 days after receipt of such proceeds.

19 (10) Each county treasurer shall report annually to the Department  
20 of Revenue the total amount of nameplate capacity tax collected under  
21 this section for audit and verification purposes.

22 **Sec. 33.** Section 77-6204, Revised Statutes Supplement, 2025, is  
23 amended to read:

24 77-6204 (1)(a) (1) The county treasurer shall distribute all revenue  
25 received from taxes imposed on renewable energy generation facilities and  
26 energy storage resources permitted before January 1, 2027, the Department  
27 of Revenue pursuant to section 77-6203 as follows:

28 (i) (a) Five percent of such revenue shall be distributed to the  
29 community college area in which the renewable energy generation facility  
30 is located; and

31 (ii) (b) The remainder of such revenue shall be distributed to local

1   taxing entities which, but for such personal property tax exemption,  
2   would have received distribution of personal property tax revenue from  
3   depreciable personal property used directly in the generation of  
4   electricity using wind, solar, biomass, or landfill gas as the fuel  
5   source or in the storage of such electricity in an energy storage  
6   resource.

7       (b) The county treasurer shall distribute all revenue from taxes  
8   imposed on renewable energy generation facilities and energy storage  
9   resources permitted on or after January 1, 2027, pursuant to section  
10   77-6203 as follows:

11       (i) Ninety-five percent of such revenue shall be distributed to the  
12   counties in proportion to the amount of tax paid by renewable energy  
13   generation facilities or energy storage resources physically located in  
14   each county. If the facility or resource is located entirely within one  
15   county, all such revenue from the tax paid by such facility or resource  
16   shall be distributed to that county. If the facility or resource is  
17   located in more than one county, the revenue from the tax paid by such  
18   facility or resource shall be apportioned among such counties in  
19   proportion to the amount of nameplate capacity of the facility or  
20   resource that is physically located within each county's boundaries;

21       (ii) Five percent of such revenue shall be distributed to the  
22   community college areas, as defined in section 85-1503, in proportion to  
23   the amount of tax paid by renewable energy generation facilities or  
24   energy storage resources physically located in each community college  
25   area. If the facility or resource is located entirely within one  
26   community college area, all such revenue from the tax paid by such  
27   facility or resource shall be distributed to that community college area.  
28   If the facility or resource is located in more than one community college  
29   area, the revenue from the tax paid by such facility or resource shall be  
30   apportioned among such community college areas in proportion to the  
31   amount of nameplate capacity of the facility or resource that is

1 physically located within each community college area's boundaries.

2 (2) A local taxing entity's status as eligible for distribution  
3 under subdivision (1)(a)(ii) ~~(1)(b)~~ of this section shall not be affected  
4 when and if the net book value of personal property used directly in the  
5 generation of electricity using wind, solar, biomass, or landfill gas as  
6 the fuel source or in the storage of such electricity in an energy  
7 storage resource becomes zero. A local taxing entity's status as eligible  
8 for distribution under such subdivision shall be affected by the disposal  
9 of all of the exempt depreciable personal property used directly in the  
10 generation of electricity using wind, solar, biomass, or landfill gas as  
11 the fuel source or in the storage of such electricity in an energy  
12 storage resource.

13 (3) The distribution to each eligible local taxing entity under  
14 subdivision (1)(a)(ii) ~~(1)(b)~~ of this section shall be calculated by  
15 determining the amount of taxes that the eligible local taxing entity  
16 levied during the taxable year and dividing this amount by the total tax  
17 levied by all of the eligible local taxing entities during the year. Each  
18 eligible entity's resulting fraction shall then be multiplied by the  
19 amount of revenue available for distribution pursuant to subdivision (1)  
20 (a)(ii) ~~(1)(b)~~ of this section to determine the portion of such revenue  
21 due each local taxing entity.

22 (4) The Department of Revenue shall not retain any revenue collected  
23 pursuant to sections 77-6201 to 77-6204 for distribution, use, transfer,  
24 pledge, or allocation to or from the General Fund.

25 (5) Each county treasurer shall report annually to the Department of  
26 Revenue the distribution of revenue under this section for audit and  
27 verification purposes.

28 (6) For purposes of this section, the physical location of nameplate  
29 capacity of a renewable energy generation facility or energy storage  
30 resource shall be determined as follows:

31 (a) For wind energy generation facilities, by the location of each

1 wind turbine structure;

2 (b) For solar energy generation facilities, by the location of each  
3 solar panel array; and

4 (c) For energy storage resources, by the location of each energy  
5 storage container.

6 **Sec. 34.** This act becomes operative on January 1, 2027.

7 **Sec. 35.** If any section in this act or any part of any section is  
8 declared invalid or unconstitutional, the declaration shall not affect  
9 the validity or constitutionality of the remaining portions.

10 **Sec. 36.** Original sections 77-105 and 77-6201, Reissue Revised  
11 Statutes of Nebraska, sections 77-1359, 77-6202, and 77-6203, Revised  
12 Statutes Cumulative Supplement, 2024, and sections 13-518, 77-202, and  
13 77-6204, Revised Statutes Supplement, 2025, are repealed.