

ONE HUNDRED NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 159

Introduced by Brandt, 32.

PURPOSE: The purpose of this resolution is to propose an interim study to examine how the nameplate capacity tax affects the development, operation, and long-term viability of privately developed renewable energy generation facilities located in Nebraska. Among several criteria, the study shall evaluate whether the current nameplate capacity tax framework and rate of three thousand five hundred eighteen dollars per megawatt continues to support Nebraska's energy infrastructure goals and renewable energy development objectives while ensuring fair compensation to localities hosting these facilities. As part of this evaluation, the study shall determine whether the current nameplate capacity tax rate remains appropriate given changes in renewable energy technologies, development costs, and market conditions since the tax's implementation in 2010, or whether adjustments should be made to better align with Nebraska's energy development priorities. The study shall include, but is not limited to, the following:

(1) An analysis of how the nameplate capacity tax has influenced renewable energy development across Nebraska since its creation in 2010, including an analysis of revenue collected and distributed;

(2) An assessment of whether the current nameplate capacity tax structure continues to serve its original purpose of supporting renewable energy infrastructure development by replacing traditional property taxes while maintaining appropriate compensation to localities;

(3) An evaluation of changes in renewable energy development costs, technological efficiencies, and expected facility lifespans and how these and other factors may necessitate adjustments to the current nameplate capacity tax rate;

(4) An analysis of how Nebraska's renewable energy tax framework affects the competitiveness of the state's energy industry compared to other taxes imposed on energy production from other sources in the state;

(5) A determination of whether the nameplate capacity tax is competitive with taxes imposed directly or indirectly on renewable energy development in other states, particularly other states within the Southwest Power Pool;

(6) An analysis of anticipated impacts to businesses, counties, and the energy development landscape if the nameplate capacity tax rate were increased or decreased; and

(7) A recommendation of whether the nameplate capacity tax should be increased, decreased, or remain the same, based on the criteria included in the study and its impact on Nebraska's energy infrastructure and development goals.

In conducting this interim study, the Natural Resources Committee may confer with state agencies, county officials, other standing committees of the Legislature, and owners and operators of privately developed renewable energy generation facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.