

Amendment No. 415

Senate Amendment to Senate Bill No. 331
(BDR 58-289)

Proposed by: Senate Committee on Taxation

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

SJC/BJE



Date: 4/15/2009

S.B. No. 331—Provides a partial abatement of property taxes and certain sales and use taxes imposed on facilities that use solar energy to generate electricity or process heat. (BDR 58-289)



SENATE BILL NO. 331—COMMITTEE ON COMMERCE AND LABOR

MARCH 19, 2009

Referred to Committee on Taxation

SUMMARY—Provides a partial abatement of property taxes and certain sales and use taxes imposed on facilities that use solar or wind energy to generate electricity or process heat. (BDR 58-289)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to energy; providing a partial abatement of property taxes and certain sales and use taxes imposed on facilities that use solar or wind energy to generate electricity or process heat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill partially abates the property taxes imposed on a facility that uses solar or wind
2 energy to generate electricity or process heat by 75 percent for 25 years, and abates the local
3 school support taxes imposed on property used in the construction or operation of such a
4 facility by 75 percent for 10 years. These abatements will cease to be effective in 30 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** The Legislature hereby finds that each exemption provided by this
2 act from any ad valorem tax on property or excise tax on the sale, storage, use or
3 consumption of tangible personal property sold at retail:

4 1. Will achieve a bona fide social or economic purpose and that the benefits
5 of the exemption are expected to exceed any adverse effect of the exemption on the
6 provision of services to the public by the State or a local government that would
7 otherwise receive revenue from the tax from which the exemption would be
8 granted; and

9 2. Will not impair adversely the ability of the State or a local government to
10 pay, when due, all interest and principal on any outstanding bonds or any other
11 obligations for which revenue from the tax from which the exemption would be
12 granted was pledged.

13 **Sec. 2.** Chapter 701A of NRS is hereby amended by adding thereto a new
14 section to read as follows:

15 1. *The owner of a facility for the generation of electricity or process heat*
16 *from solar or wind energy is entitled to a partial abatement of the taxes imposed*

1 on that facility pursuant to chapter 361 of NRS in the annual amount of 75
2 percent of those taxes. The partial abatement applies for the first 25 fiscal years
3 that begin after an application for a permit to construct the facility is filed with
4 the governmental entity having jurisdiction to issue that permit.

5 2. A person who locates or maintains a facility for the generation of
6 electricity or process heat from solar or wind energy in this State is entitled to a
7 partial abatement of the taxes imposed by NRS 374.110 and 374.190 on the sale,
8 storage, use or other consumption of property used in the construction or
9 operation of that facility, in the amount of 75 percent of those taxes. The partial
10 abatement applies for the period of 10 years beginning on the date an application
11 for a permit to construct the facility is filed with the governmental entity having
12 jurisdiction to issue that permit.

13 3. The Department of Taxation shall adopt such regulations as it
14 determines to be necessary for the administration of this section.

15 4. As used in this section, "facility for the generation of electricity or
16 process heat from solar or wind energy" means a facility that:

17 (a) Uses solar or wind energy as its primary source of energy; and

18 (b) Generates:

19 (1) Electricity that is sold to another person for resale; or

20 (2) Process heat.

21 ↪ The term includes all the machinery and equipment that is used in the facility
22 to collect and store the solar or wind energy and to convert ~~the solar~~ that energy
23 into electricity or process heat.

24 **Sec. 3.** Notwithstanding the provisions of section 2 of this act, a person is not
25 entitled to any partial abatement of taxes pursuant to that section after June 30,
26 2039.

27 **Sec. 4.** This act becomes effective on July 1, 2009, and expires by limitation
28 on June 30, 2039.