

HOUSE BILL NO. HB0118

Wyoming renewable energy policies.

Sponsored by: Representative(s) Crank, Brown, Hallinan and
Madden and Senator(s) Hicks

A BILL

for

1 AN ACT relating to taxation of the production of
2 electricity; expanding the tax on the production of
3 electricity from resources in this state to include solar
4 power systems; increasing the rate of the tax; providing
5 for distribution of the tax; authorizing a tax credit for
6 renewable energy equipment; providing a sunset date for the
7 credit; providing rulemaking authority; and providing for
8 an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 39-22-101, 39-22-103, 39-22-104,
13 39-22-105(b), 39-22-107(a), 39-22-109 and
14 39-22-111(a)(intro) and by creating a new subsection (b)
15 are amended to read:

1

2

CHAPTER 22

3

TAX UPON PRODUCTION OF ELECTRICITY FROM RENEWABLE RESOURCES

4

5

39-22-101. Definitions.

6

7

8

~~(a) There are no specific applicable provisions for definitions for~~ As used in this chapter:—

9

10

(i) "Generating facility" means one (1) or more wind turbines or solar power systems that produce electricity from wind or solar resources in this state;

13

14

(ii) "Renewable energy equipment" means components used directly in a generating facility in this state including photovoltaic cells and support frames, solar concentrators, wind towers, wind turbine blades, wind turbine housing, electrical components including motors, turbines, motor control centers, wiring, conduit and connectors, power poles and wiring support structures.

21

"Renewable energy equipment" shall not include the foundation necessary to install any generating facility or construction activities related to the generating facility

23

1 including roads, rail spurs, power lines, staging areas and
2 substations.

3

4 **39-22-103. Imposition.**

5

6 There is levied an excise tax upon the privilege of
7 producing electricity from ~~wind resources~~ a generating
8 facility in this state. The tax shall be ~~imposed upon the~~
9 ~~production of any electricity produced from wind resources~~
10 ~~for sale or trade on or after January 1, 2012, and shall be~~
11 paid by the person producing such electricity. The tax
12 shall be imposed on each megawatt hour of electricity
13 produced from ~~wind resources~~ a generating facility at the
14 point of interconnection with an electric transmission
15 line.

16

17 **39-22-104. Taxation rate.**

18

19 (a) The tax rate shall be as follows:

20

21 (i) One dollar (\$1.00) on each megawatt hour, or
22 portion thereof, which is produced in this state; ~~and~~ and

23

1 (ii) In addition to the tax under paragraph (i)
2 of this subsection, one dollar (\$1.00) on each megawatt
3 hour, or portion thereof, which is produced in this state.
4

5 **39-22-105. Exemptions.**
6

7 (b) Electricity produced from a ~~wind turbine~~
8 generating facility shall not be subject to the tax imposed
9 under this chapter until the date ~~three (3) years~~ one (1)
10 year after the ~~turbine~~ generating facility first produced
11 electricity for sale. After such date the production shall
12 be subject to the tax, as provided by W.S. 39-22-103,
13 regardless of whether production first commenced prior to
14 or after ~~January 1, 2012~~ the effective date of this
15 subsection.
16

17 **39-22-107. Compliance; collection procedures.**
18

19 (a) Returns and reports. Any person producing
20 electricity from ~~wind resources within a~~ generating
21 facility in this state which is subject to the tax imposed
22 by this chapter shall report the amount of megawatt hours
23 produced in this state on or before February 1 of the year

1 immediately following the year in which the electricity was
2 produced.

3

4 **39-22-109. Taxpayer remedies.**

5

6 (a) Except as provided in subsection (b) of this
7 section, there are no specific applicable provisions for
8 taxpayer remedies for this chapter.

9

10 (b) Credits. The following shall apply:

11

12 (i) The following shall apply to the renewable
13 energy tax credit:

14

15 (A) Renewable energy equipment that is
16 manufactured and installed in this state shall be eligible
17 for a credit against future tax payments equal to the cost
18 of the equipment. The cost of the equipment shall not
19 include any amount related to the installation of the
20 equipment;

21

22 (B) To claim a credit under this paragraph,
23 the taxpayer shall submit a request to the department on

1 the return filed under W.S. 39-22-107 in the year
2 immediately following the year in which the equipment was
3 installed. The department shall establish rules to certify
4 the value of the equipment and that the equipment was
5 manufactured and installed in this state prior to
6 authorizing any credit under this paragraph. Credit shall
7 only be provided for equipment that is physically labeled
8 as certified by the department. No credit shall be
9 authorized for the replacement of renewable energy
10 equipment if the equipment being replaced has any remaining
11 credit under this paragraph;

12

13 (C) The credit under this paragraph shall
14 not apply to any portion of the tax that is collected and
15 distributed to a county as provided in W.S.
16 39-22-111(a)(i);

17

18 (D) In no case shall any refund be due or
19 payable if the amount of the credit claimed by any taxpayer
20 exceeds the amount of the tax due under this chapter;

21

22 (E) This paragraph is repealed December 31,
23 2030.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

39-22-111. Distribution.

(a) The proceeds from the tax imposed ~~by this chapter~~
under W.S. 39-22-104(a)(i) shall be distributed by the
department as follows:

(b) The proceeds from the tax imposed under W.S.
39-22-104(a)(ii) shall be deposited in the state general
fund.

Section 2. This act is effective January 1, 2019.

(END)