

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Clean coal facility-sales and use taxes.

Sponsored by: Joint Minerals, Business and Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; adding a  
2 definition; providing for sales and use tax exemption for  
3 construction of a clean coal facility; and providing for an  
4 effective date.

5

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

7

8 **Section 1.** W.S. 39-11-101(a) by creating a new  
9 paragraph (xviii) and by renumbering (xviii) as (xix),  
10 39-15-105(a)(viii)(R) and 39-16-105(a)(viii)(G) are amended  
11 to read:

12

13 **39-11-101. Definitions.**

1

2 (a) As used in this act unless otherwise specifically

3 provided:

4

5 (xviii) "Clean coal facility" means any plant or  
6 facility, including a plant or facility commonly known as  
7 coal gasification, coal liquefaction, coal-to-gas, coal-to-  
8 chemicals, integrated gasification combined cycle or coal-  
9 to-liquids, which utilizes any process that converts a  
10 solid or liquid product from coal, petroleum residue,  
11 biomass or other material that is recovered for its energy  
12 or feedstock value, into a synthesis gas composed primarily  
13 of carbon monoxide and hydrogen for direct use or  
14 subsequent chemical or physical conversion, which  
15 conversion results in the production of chemical feedstock,  
16 liquid transportation fuel, natural gas or the production  
17 of electricity using both a combustion turbine and a steam  
18 turbine;

19

20 ~~(xviii)~~ (xix) "This act" means W.S. 39-11-101  
21 through 39-19-111.

22

23 **39-15-105. Exemptions.**

1

2 (a) The following sales or leases are exempt from the

3 excise tax imposed by this article:

4

5 (viii) For the purpose of exempting sales of

6 services and tangible personal property as an economic

7 incentive, the following are exempt:

8

9 (R) The sale of equipment and materials10 used to construct and make operational a new ~~coal~~11 ~~gasification or coal liquefaction facility. The exemption~~12 ~~provided by this subparagraph shall be limited to the~~13 ~~acquisition of equipment used in a project to make it~~14 ~~operational~~ clean coal facility and the sales price paid15 for all services to real or tangible personal property16 associated with the construction of the clean coal17 facility, whether such services are performed by the owner18 of the clean coal facility, by an agent of the owner or by19 a contractor or sub-contractor hired by the owner. The20 exemption shall not apply to ~~tools and other equipment used~~21 ~~in construction of a new facility, contracted services~~22 ~~required for construction and~~ routine maintenance

1 activities nor to equipment or materials utilized or  
2 acquired after the facility is operational.

3

4 **39-16-105. Exemptions.**

5

6 (a) The following purchases or leases are exempt from  
7 the excise tax imposed by this article:

8

9 (viii) For the purpose of exempting sales of  
10 services and tangible personal property as an economic  
11 incentive, the following are exempt:

12

13 (G) The purchase of equipment and materials  
14 used to construct and make operational a new ~~coal~~  
15 ~~gasification or coal liquefaction facility. The exemption~~  
16 ~~provided by this subparagraph shall be limited to the~~  
17 ~~acquisition of equipment used in a project to make it~~  
18 ~~operational~~ clean coal facility and the sales price paid  
19 for all services to real or tangible personal property  
20 leading to the construction of the clean coal facility,  
21 whether such services are performed by the owner of the  
22 clean coal facility, by an agent of the owner or by a  
23 contractor or sub-contractor hired by the owner. The

1 exemption shall not apply to ~~tools and other equipment used~~  
2 ~~in construction of a new facility, contracted services~~  
3 ~~required for construction and~~ routine maintenance  
4 activities nor to equipment or materials utilized or  
5 acquired after the facility is operational.

6

7 **Section 2.** This act is effective July 1, 2009.

8

9

(END)