

## HOUSE BILL NO. HB0100

Ethanol tax credit.

Sponsored by: Representative(s) Cohee, Berger, Bonner,  
Brown, Hammons, Landon and Madden and  
Senator(s) Hines, Scott and Von Flatern

A BILL

for

1 AN ACT relating to taxation and revenue; reducing the total  
2 annual tax credit for ethanol production as specified;  
3 providing for payment of tax credits in the order applied  
4 for; granting rulemaking authority; and providing for an  
5 effective date.

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

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9 **Section 1.** W.S. 39-17-109(d)(iv)(A) is amended to  
10 read:

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12 **39-17-109. Taxpayer remedies.**

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14 (d) Credits. The following shall apply:

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1           (iv) Any person who has a tax liability in  
2 Wyoming for the sale of ethanol based motor fuel or  
3 gasoline sold for the purpose of blending into an ethanol  
4 based motor fuel may redeem a valid credit with the  
5 department to satisfy in part any tax liability imposed  
6 under W.S. 39-17-104(a)(i) and (ii). To qualify to redeem  
7 tax credits under this subsection, an ethanol producer  
8 shall purchase at least twenty-five percent (25%) of  
9 Wyoming origin products used in the distillation process,  
10 excluding water, during the calendar year in which the tax  
11 credits were earned. Each ethanol producer shall verify  
12 the origin of the products. In the event of natural damage  
13 to a significant portion of available Wyoming products as  
14 determined by the Wyoming department of agriculture, the  
15 twenty-five percent (25%) purchase requirement of this  
16 paragraph shall not apply. In no circumstances may the  
17 amount of tax credits redeemed by any person under this  
18 section exceed the existing tax liability of the person  
19 under W.S. 39-17-104(a)(i) and (ii). The department shall  
20 promulgate rules to implement this section. Tax credits  
21 under this subsection shall also be subject to the  
22 following:

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1                   (A) The total of all tax credits redeemed  
2 by all ethanol producers under this subsection shall not  
3 exceed ~~four million dollars (\$4,000,000.00)~~ three million  
4 dollars (\$3,000,000.00) per year. The department's rules  
5 shall prescribe that producers may apply for the credits  
6 monthly and that the credits shall be distributed in the  
7 order in which applications are received until the total  
8 credits provided by this subparagraph are exhausted;

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10           **Section 2.** This act is effective July 1, 2010.

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(END)