

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

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

Renewable energy electrical facilities - taxation.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; providing for the  
2 taxation of equipment used to generate electricity from  
3 renewable resources as specified; providing an exemption;  
4 providing for distribution; amending related provisions;  
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 39-15-105(a)(viii)(N) by creating a  
10 new subdivision (III), 39-16-105(a)(viii)(C) by creating a  
11 new subdivision (III), 39-22-103, 39-22-104, 39-22-105 by  
12 creating a new subsection (c) and 39-22-111(a)(intro) are  
13 amended to read:

14

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

16

17 (a) The following sales or leases are exempt from the  
18 excise tax imposed by this article:

19

1 (viii) For the purpose of exempting sales of  
2 services and tangible personal property as an economic  
3 incentive, the following are exempt:

4  
5 (N) Sales of equipment used to generate  
6 electricity from renewable resources. As used in this  
7 subparagraph, "renewable resources" includes wind  
8 generation, solar, biomass, landfill gas, hydro, hydrogen  
9 and geothermal energy. The exemption provided by this  
10 subparagraph shall be limited to the acquisition of  
11 equipment used in a project to make it operational up to  
12 the point of interconnection with an existing transmission  
13 grid including wind turbines, generating equipment, control  
14 and monitoring systems, power lines, substation equipment,  
15 lighting, fencing, pipes and other equipment for locating  
16 power lines and poles. The exemption shall not apply to  
17 tools and other equipment used in construction of a new  
18 facility, contracted services required for construction and  
19 routine maintenance activities and equipment utilized or  
20 acquired after the project is operational. This  
21 subparagraph is applicable as follows:

22  
23 (III) The exemption provided by this  
24 subparagraph shall only apply to the excise tax imposed  
25 under W.S. 39-15-104(a) and (b), and shall not apply to any  
26 excise tax imposed under W.S. 39-15-203.

27  
28 **39-16-105. Exemptions.**

29  
30 (a) The following purchases or leases are exempt from  
31 the excise tax imposed by this article:

32  
33 (viii) For the purpose of exempting sales of  
34 services and tangible personal property as an economic  
35 incentive, the following are exempt:

36  
37 (C) Sales of equipment used to generate  
38 electricity from renewable resources. As used in this  
39 subparagraph, "renewable resources" includes wind  
40 generation, solar, biomass, landfill gas, hydro, hydrogen  
41 and geothermal energy. The exemption provided by this  
42 subparagraph shall be limited to the acquisition of  
43 equipment used in a project to make it operational up to  
44 the point of interconnection with an existing transmission  
45 grid including wind turbines, generating equipment, control  
46 and monitoring systems, power lines, substation equipment,

1 lighting, fencing, pipes and other equipment for locating  
2 power lines and poles. The exemption shall not apply to  
3 tools and other equipment used in construction of a new  
4 facility, contracted services required for construction and  
5 routine maintenance activities and equipment utilized or  
6 acquired after the project is operational. This  
7 subparagraph is applicable as follows:  
8

9 (III) The exemption provided by this  
10 subparagraph shall only apply to the excise tax imposed  
11 under W.S. 39-16-104(a) and (b), and shall not apply to any  
12 excise tax imposed under W.S. 39-16-203.  
13

#### 14 **39-22-103. Imposition.**

15  
16 There is levied an excise tax upon the privilege of  
17 producing electricity from wind resources in this state.  
18 ~~The tax shall be imposed upon the production of any~~  
19 ~~electricity produced from wind resources for sale or trade~~  
20 ~~on or after January 1, 2012, and shall be paid by the~~  
21 ~~person producing such electricity. The tax shall be~~  
22 ~~imposed on each megawatt hour of electricity produced from~~  
23 ~~wind resources at the point of interconnection with an~~  
24 ~~electric transmission line. Any person owning or holding~~  
25 ~~under lease or otherwise real or personal property used or~~  
26 ~~intended for use to produce electricity from wind resources~~  
27 ~~shall be liable for the tax. The tax shall be owed for a~~  
28 ~~period of not to exceed ten (10) years from the date the~~  
29 ~~tax is first due and payable.~~  
30

#### 31 **39-22-104. Taxation rate.**

32  
33 The tax rate shall be ~~one dollar (\$1.00) on each megawatt~~  
34 ~~hour, or portion thereof, which is produced in this state~~  
35 ~~seven dollars (\$7.00) multiplied by the number of kilowatts~~  
36 ~~a wind farm can produce as assigned to the power units in~~  
37 ~~the wind farm facility by the manufacturer, also known as~~  
38 ~~the nameplate capacity. The tax shall be paid for a period~~  
39 ~~of not to exceed ten (10) years from the date the tax is~~  
40 ~~first due and payable. The tax for the first calendar year~~  
41 ~~shall be prorated based upon the percentage of the calendar~~  
42 ~~year remaining after the facility has been installed.~~  
43

#### 44 **39-22-105. Exemptions.**

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