HOUSE BILL NO. HB0104

Ethanol tax credit-2.

Sponsored by: Representative(s) Semlek and Senator(s) Meier

A BILL

for

AN ACT relating to the ethanol tax credit; providing that the Wyoming business council shall reimburse the department of transportation for ethanol tax credits paid as specified; revising reporting requirements; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 39-17-109(d)(iv)(E) and (v) is amended to read:

39-17-109. Taxpayer remedies.

(d) Credits. The following shall apply:

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

(E) Any ethanol producer qualifying for the tax credit under this subsection before July 1, 2009, which expands its production after July 1, 2003 and prior to July 1, 2011, by at least twenty-five percent (25%), shall receive tax credits under this subsection for a period not to exceed fifteen (15) years following the date the expanded production became operational. The maximum tax credit specified in subparagraph (B) of this paragraph for a producer qualifying under this subparagraph shall be increased to the amount available to the producer under subparagraph (B) of this paragraph plus the additional amount authorized under this subparagraph. The additional maximum amount authorized shall be computed by multiplying the percentage increase in expanded production by the maximum tax credit which the producer is eligible to receive under subparagraph (B) of this paragraph. For any ethanol producer meeting the requirements of this subparagraph, each expansion of production after July 1, 2003, of at least twenty-five percent (25%) of the most recent prior production shall qualify for the additional time and additional maximum credit authorized in this subparagraph. Each quarter the department shall certify to the Wyoming business council the total amount of credits redeemed during the previous quarter. The Wyoming business council shall reimburse the department for the amount of credits redeemed under this paragraph.

(v) No later than January 1 of each year, the ~~department~~ Wyoming business council, in consultation with the department and the department of administration and information, shall submit a report to the joint transportation and highways interim committee and the joint revenue interim committee. The report shall provide information with respect to the economic benefits of the ethanol credit voucher program created under this subsection and the cost to the state for the program;

Section 2. There is appropriated six million four hundred thousand dollars ($6,400,000.00) from the general fund to the Wyoming business council. This appropriation shall only be expended for ethanol tax credits as provided in this act. This appropriation shall be included in the Wyoming business council's standard biennial budget request.

Section 3. This act is effective July 1, 2012.

(END)