

4

# HOUSE BILL

81

**HOUSE BILL 87**

**Title:** AN ACT to create W.S. 9-3-322 through 9-3-329; and to amend W.S. 39-6-302 relating to the development of alternative renewable energy sources; providing definitions; providing for a development and demonstration account in earmarked revenue fund; providing for research, development and demonstration grants; providing criteria for grant awards; providing for an annual report; providing for a .3% increase in the coal excise tax; providing for an effective date.

William Edwards

[illegible]

**CONTINUED ON BACK**

House of Intro			
_____	To Com No.	_____	
_____	Stand Report Do	Amd	Not
_____	Com Whole Do	Amd	Not
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass	Fail

Second House			
_____	To Com No.	_____	
_____	Stand Report Do	Amd	Not
_____	Com Whole Do	Amd	Not
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass	Fail

1979

STATE OF WYOMING

79LSO-022.01

HOUSE BILL NO. 81

Development alternate renewable energy sources.

Sponsored by: Representative EDWARDS

A BILL

for

1 AN ACT to create W.S. 9-3-322 through 9-3-329; and to  
 2 amend W.S. 39-6-302 relating to the development of alter-  
 3 native renewable energy sources; providing definitions;  
 4 providing for a development and demonstration account in  
 5 earmarked revenue fund; providing for research, develop-  
 6 ment and demonstration grants; providing criteria for  
 7 grant awards; providing for an annual report; providing  
 8 for a .3% increase in the coal excise tax; providing for  
 9 an effective date.

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

11 Section 1. W.S. 9-3-322 through 9-3-329 are created  
 12 to read:

1        9-3-322. Citation. This act shall be cited as the  
2 "Wyoming Alternative Resource Development Act".

3        9-3-323. Purposes.

4        (a) The purposes of this act are to:

5                (i) Stimulate research, development and demon-  
6 stration of energy sources which are harmonious with  
7 ecological stability by virtue of being renewable, to  
8 lessen the reliance on nonrenewable energy sources which  
9 conflict with the goal of long term ecological stability;  
10 and

11                (ii) Providing funding and administration for  
12 this research, if demonstration or development projects  
13 funded under this act are not used to commercially market  
14 electricity, heat energy or energy by-products.

15        9-3-324. Definitions.

16        (a) As used in this act:

17                (i) "Alternative renewable energy source"  
18 means a form of energy or matter, as solar energy, wind  
19 energy, or methane from solid waste, capable of being con-  
20 verted into forms of energy useful to mankind. This  
21 includes the technology necessary to make this conversion,

1 when the source is not exhaustible in terms of this planet  
2 and when the source or the technology are not in general  
3 commercial use;

4 (ii) "Department" means the department of eco-  
5 nomic planning and development;

6 (iii) "This act" means W.S. 9-3-322 through  
7 9-3-329.

8 9-3-325. Alternative energy research development and  
9 demonstration account established. The alternative energy  
10 research development and demonstration account is created  
11 within the earmarked revenue fund. Monies are paid into  
12 this account under W.S. 39-6-302(g). The state treasurer  
13 shall draw warrants payable from this account upon order  
14 of the department.

15 9-3-326. Department; general powers.

16 (a) The department may:

17 (i) Employ a staff within budgetary  
18 constraints to administer this act;

19 (ii) Retain professional consultants and  
20 advisors;

1                   (iii) Adopt rules governing applications and  
2     granting of funds;

3                   (iv) Consider applications for grants and  
4     award grants, subject to the availability of funds in the  
5     alternative energy research development and demonstration  
6     fund for projects that will further the purposes of this  
7     act; and

8                   (v) Appoint an alternative energy advisory  
9     council composed of the directors of the departments of  
10    economic planning and development and environmental qual-  
11    ity, the governor's energy conservation coordinator and  
12    three (3) citizen members with expertise in alternative  
13    energy matters. The citizen members shall be appointed by  
14    the director of the department for identical three (3)  
15    year terms.

16           9-3-327. Applications for grants. Any person may  
17    apply for a grant to research, develop or demonstrate  
18    alternative renewable energy sources. The department  
19    shall prescribe the form for applications. Applicants  
20    shall describe the nature of their proposals including  
21    practical applications of the possible results and time  
22    requirements.

1           9-3-328. Criteria for grant awards.

2           (a) The department may award grants to applicants  
3 under W.S. 9-3-327 according to the following criteria:

4                   (i) A grant may cover a period not exceeding  
5 one (1) year, and the department may not commit itself to  
6 spending funds anticipated to be available more than one  
7 (1) year after the grant period begins. The department  
8 may give an applicant a statement of intent to renew its  
9 support of his work, subject to the availability of funds  
10 and other conditions as the department may express;

11                   (ii) The department may give preference to  
12 projects which are also supported by grants from the fed-  
13 eral government or other persons provided the grants are  
14 consistent with the other objectives of the department.  
15 The purpose of this preference is to use the alternative  
16 energy research development and demonstration account for  
17 matching monies in order to support more substantial  
18 research;

19                   (iii) The department may give preference to  
20 research centers unattached to existing educational insti-  
21 tutions where several investigators can share supporting  
22 services. However, this shall not be interpreted to pro-  
23 hibit the department from awarding grants to existing

1 educational institutions;

2 (iv) The department may give preference to  
3 research centers which make information available to indi-  
4 viduals, small businesses and small communities seeking  
5 the use of renewable energy sources in their homes,  
6 plants, places of business and small communities;

7 (v) All information resulting from the  
8 research shall be made available to the public and shall  
9 not become the private property of or under the exclusive  
10 control of any one (1) company or person; and

11 (vi) The department is under no requirement to  
12 expend or commit available alternative energy research,  
13 development and demonstration funds when in its judgment  
14 those expenditures or commitments would be unproductive.

15 9-3-329. Annual report. The department shall report  
16 its expenditures and other activities under this act to  
17 the legislature at the beginning of each regular or budget  
18 legislative session.

19 Section 2. W.S. 39-6-302 is amended to read:

20 39-6-302. Excise taxes on extraction of minerals.

21 (g) IN ADDITION TO THE OTHER EXCISE TAXES PROVIDED  
22 BY THIS SECTION THERE IS LEVIED UPON THE PRIVILEGE OF

1     EXTRACTING COAL AN EXCISE TAX OF THREE-TENTHS OF ONE PER-  
2     CENT (.3%) OF THE VALUE OF THE GROSS PRODUCT EXTRACTED.  
3     THE PROCEEDS FROM THIS TAX SHALL BE DEPOSITED IN THE  
4     ALTERNATIVE ENERGY RESEARCH DEVELOPMENT AND DEMONSTRATION  
5     ACCOUNT OF THE EARMARKED REVENUE FUND.

6           Section 3. If any provision of this act or its appli-  
7           cation to any person or circumstance is held invalid, the  
8           invalidity does not affect other provisions or applica-  
9           tions of the act which can be given effect without the  
10          invalid provision or application, and to this end the  
11          provisions of this act are severable.

12           Section 4. This act is effective immediately upon  
13           completion of all acts necessary for a bill to become law  
14           as provided by Article 4, Section 8 of the Wyoming Con-  
15           stitution.

16 (END)



FISCAL NOTE

Anticipated <u>REVENUE</u> to:	Fiscal Year 19 80	Fiscal Year 19 81
Earmarked Revenue Fund	\$1,263,600	\$1,721,250
TOTAL ESTIMATED REVENUE	\$1,263,600 =====	\$1,721,250 =====

Anticipated <u>COST</u> to:	Fiscal Year 19	Fiscal Year 19
General Fund earmarked Revenue Fund	See discussion	
	See Discussion	
TOTAL ESTIMATED COST	=====	=====

1. The estimated income to the ear marked Revenue Fund is based on the latest "concensus" estimates of coal production and valuation. These figures were developed in December 1976. More current estimates are to be developed in December of this year through the cooperation of the Govenors planning coordinator and other State agencies. Updated revenue figures should be available by January 1.
2. The passage and subsequent implementation of this bill would necessitate an appropriation for an unspecified number of persons and other supporting costs. The required appropriation cannot be estimated for it depends on the wishes of the legislature.
3. No estimates of grants that would be awarded under this bill can be made.