



HB0131

**Nuclear power generation and storage-
amendments.**

Sponsored By: Representative(s) Burkhardt, Greear and Larsen and
Senator(s) Anderson, Cooper and Dockstader

AN ACT relating to environmental quality; amending and repealing requirements and conditions for legislative approval of the siting of high-level radioactive waste storage facilities as specified; amending provisions for small modular nuclear reactors to apply to advanced nuclear reactors; specifying duties and requirements for advanced nuclear reactors; defining terms; amending definitions, requirements and exemptions related to cost recovery for specified electric generation facilities; amending exemptions for the nuclear electricity production tax; making conforming amendments; repealing nuclear reactor requirements as specified; requiring rulemaking; and providing for an effective date.

2/15/2022 Bill Number Assigned
2/16/2022 H Received for Introduction
2/17/2022 H Introduced and Referred to H09 - Minerals 47-12-1-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Banks, Barlow, Burkhardt, Burt, Clausen, Crago, Duncan, Eklund, Eyre, Flitner, Greear, Hallinan, Harshman, Heiner, Henderson, Kinner, Larsen, L, Laursen, D, Macguire, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Romero-Martinez, Roscoe, Sherwood, Simpson, Sommers, Stith, Styvar, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Bear, Blackburn, Connolly, Fortner, Gray, Haroldson, Jennings, Knapp, Lebeau, Provenza, Rodrig-Williams, Schwartz

Excused: Representative Brown

Ayes 47 **Nays** 12 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2022 H09 - Minerals:Recommend Amend and Do Pass 6-2-1-0-0

ROLL CALL

Ayes: Representative(s) Burkhardt, Jr, Duncan, Eyre, Greear, Heiner, Western

Nays: Representative(s) Bear, Gray

Excused: Representative Sherwood

Ayes 6 **Nays** 2 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2022 H Placed on General File

HB0131HS001/ADOPTED

Page 3-line 19 After "facility" insert "and what number of those jobs would be filled by Wyoming residents".

Page 5-line 19 Delete ":".

Page 5-line 21 Delete "(i) Apply" and insert "apply".

Page 6-line 2 Delete "i" and insert ".".

Page 6-lines 4 through 6 Delete entirely.

Page 6-line 18 After "reactor" insert "and what number of those jobs would be filled by Wyoming residents". GREEAR, CHAIRMAN

HB0131HW001/FAILED

Page 9-line 11 Reinsert stricken "test or".

Page 9-line 12 Reinsert stricken "demonstration".

Page 9-line 13 Reinsert stricken "licensed and".

Page 9-line 14 After "35-11-2101" insert "until July 1, 2035. This subsection is repealed effective July 1, 2035". SHERWOOD

2/24/2022 H COW:Passed

2/25/2022 H 2nd Reading:Laid Back

HB0131H2001/FAILED

Page 2-line 17 After "authorized" insert "if a long-term storage facility has been sited and permitted and". PROVENZA, GRAY

HB0131H2002/FAILED

Page 9-line 13 Reinsert stricken "licensed and".

Page 9-line 14 After "35-11-2101" insert "until July 1, 2037. This subsection is repealed effective July 1, 2037". SHERWOOD

HB0131H2003/FAILED

Page 2-line 4 Delete "and (g)" and insert "through (h)".

Page 7-after line 13 Insert:

"(h) The operator of each advanced nuclear reactor shall source, to the maximum extent possible, its high-assay low-enriched uranium fuel from uranium mines located within Wyoming. Not later than September 1 of each year the operator shall submit a report to the department on the percent of its fuel sourced from uranium mines located within Wyoming." GRAY, PROVENZA, SHERWOOD

2/28/2022 H 2nd Reading:Passed

HB0131H3001/ADOPTED (CORRECTED COPY)

Page 9-line 11 After "(c)" insert "Except as otherwise provided in this subsection,".

Page 9-line 14 After "35-11-2101." insert "Beginning July 1, 2035, a taxpayer shall only qualify for the exemption authorized under this subsection for any month that not less than eighty percent (80%) of the advanced nuclear reactor's uranium used for producing electricity was sourced from uranium mines located in the United States. The burden shall be on the taxpayer to establish entitlement to the exemption authorized under this subsection". SHERWOOD, GRAY

HB0131H3002/FAILED

Page 3-line 6 Delete "and".

Page 3-line 9 After "subsection" delete "." and insert "; and".

Page 3-after line 9 Insert:

"(E) The facility uses uranium sourced in Wyoming to the maximum extent possible and does not use uranium sourced in the Russian federation.". GRAY, PROVENZA, SHERWOOD

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Barlow, Bear, Clausen, Crago, Eklund, Fortner, Gray, Haroldson, Jennings, Knapp, Laursen, D, Neiman, O'hearn, Ottman, Provenza, Rodrig-Williams, Romero-Martinez, Sherwood, Stith, Styvar, Williams, Wilson, Winter

Nays: Representative(s) Banks, Brown, Burkhart, Burt, Connolly, Duncan, Eyre, Flitner, Greear, Hallinan, Harshman, Heiner, Henderson, Kinner, Larsen, L, Lebeau, Macguire, Newsome, Nicholas, Oakley, Obermueller, Olsen, Paxton, Roscoe, Schwartz, Simpson, Sommers, Sweeney, Walters, Washut, Western, Wharff, Yin, Zwonitzer

Excused: Representative Blackburn

Ayes 25 Nays 34 Excused 1 Absent 0 Conflicts 0

HB0131H3003/WITHDRAWN

3/1/2022 H 3rd Reading:Passed 45-14-1-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Banks, Barlow, Brown, Burkhart, Burt, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Greear, Hallinan, Harshman, Heiner, Henderson, Larsen, L, Laursen, D, Macguire, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Paxton, Romero-Martinez, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Bear, Clausen, Fortner, Gray, Haroldson, Jennings, Kinner, Knapp, Lebeau, Neiman, Ottman, Provenza, Rodrig-Williams, Styvar

Excused: Representative Blackburn

Ayes 45 Nays 14 Excused 1 Absent 0 Conflicts 0

3/2/2022 S Received for Introduction

3/2/2022 S Introduced and Referred to S09 - Minerals

3/8/2022 S09 - Minerals:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Cooper, Rothfuss, Wasserburger

Nays: Senator Biteman

Ayes 4 Nays 1 Excused 0 Absent 0 Conflicts 0

3/8/2022 S Placed on General File

HB0131SS001/ADOPTED

(TO ENGROSSED COPY)

Page 4-line 14 After "facility" insert "as soon as practicable but"; delete "fifteen (15)" and insert "five (5)".

Page 4-line 15 After "report." insert "The operator shall also transmit all information required under this subsection to emergency management departments of the local

governments where the facility is located and shall make the information available on a public website."

Page 7-line 5 After "reactor" insert "as soon as practicable but".

Page 7-line 6 Delete "fifteen (15)" and insert "five (5)".

Page 7-line 7 After "report." insert "The operator shall also transmit all information required under this subsection to emergency management departments of the local governments where the facility is located and shall make the information available on a public website."

Page 8-line 7 After "conversion to" insert ", or replacement with,".

Page 8-line 22 After "to" insert "an electric public utility that replaces a coal-fired electric generation facility with". ANDERSON, CHAIRMAN

3/8/2022 S COW:Passed

HB0131S2001/FAILED (TO ENGROSSED COPY)

Page 1-line 10 Delete "exemptions" and insert "credits".

Page 1-line 12 After "requirements" insert "and nuclear electricity production tax exemptions".

Page 2-line 6 Delete "39-23-105(c)" and insert "39-23-109(a) by creating a new paragraph (ii) and by renumbering (ii) as (iii)".

Page 9-lines 2 through 15 Delete entirely and insert:

"39-23-109. Taxpayer remedies.

(a) Credits. The following shall apply:

(ii) Any taxpayer operating an advanced nuclear reactor as defined by W.S. 35-11-2101(d)(iii) is entitled to a credit against the tax imposed by W.S. 39-23-103 and 39-23-104 in the amount of three dollars (\$3.00) on each megawatt hour, or portion thereof, which is sold. Beginning in tax year 2035 and for each tax year thereafter, a taxpayer shall not qualify for the credit established by this paragraph if the taxpayer is operating an advanced nuclear reactor in which more than twenty percent (20%) of the advanced nuclear reactor's uranium used in the production of electricity at the reactor is sourced from uranium mines not located in the United States. The burden shall be on the taxpayer to establish entitlement to the credit authorized under this paragraph;

~~(ii)~~(iii) Any credit under this subsection may be carried forward to succeeding reporting periods."

Page 9-line 17 After "(v)" delete "and" and insert ",".

Page 9-line 18 After "through (C)" insert "and 39-23-105(c)". CASE

HB0131S2002/WITHDRAWN

HB0131S2003/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 4

Delete "37-2-133".

Page 2-line 5

Delete line through "(j),".

Page 7-lines 9 through 16

Delete entirely. ROTHFUSS

3/9/2022

S 2nd Reading:Passed

HB0131S3001/FAILED

(TO ENGROSSED COPY)

Page 1-line 10

Delete "exemptions" and insert "credits".

Page 1-line 12

After "requirements" insert "and nuclear electricity production tax exemptions".

Page 2-line 6

Delete "39-23-105(c)" and insert "39-23-109(a) by creating a new paragraph (ii) and by renumbering (ii) as (iii)".

Page 9-lines 2 through 15

Delete entirely and insert:

"39-23-109. Taxpayer remedies.

(a) Credits. The following shall apply:

(ii) Any taxpayer operating an advanced nuclear reactor as defined by W.S. 35-11-2101(d)(iii) is entitled to a credit against the tax imposed by W.S. 39-23-103 and 39-23-104 in the amount of four dollars (\$4.00) on each megawatt hour, or portion thereof, which is sold. Beginning in tax year 2035 and for each tax year thereafter, a taxpayer shall not qualify for the credit established by this paragraph if the taxpayer is operating an advanced nuclear reactor in which more than twenty percent (20%) of the advanced nuclear reactor's uranium used in the production of electricity at the reactor is sourced from uranium mines not located in the United States. The burden shall be on the taxpayer to establish entitlement to the credit authorized under this paragraph. Not later than June 1 of each year, the department of revenue shall report to the joint revenue interim committee on the amount of credit granted in the prior tax year to each taxpayer under this paragraph;

(ii)(iii) Any credit under this subsection may be carried forward to succeeding reporting periods."

Page 9-line 17

After "(v)" delete "and" and insert ",".

Page 9-line 18

After "through (C)" insert "and 39-23-105(c)". CASE

ROLL CALL

Ayes: Senator(s) Biteman, Bouchard, Case, Furphy, Gierau, James, Kolb, Mckeown, Nethercott, Rothfuss, Scott, Steinmetz

Nays: Senator(s) Anderson, Baldwin, Boner, Cooper, Dockstader, Driskill, Ellis, French, Hicks, Hutchings, Kinskey, Kost, Landen, Perkins, Salazar, Schuler, Wasserburger

Excused: Senator Pappas

Ayes 12 **Nays** 17 **Excused** 1 **Absent** 0 **Conflicts** 0

HB0131S3002/ADOPTED

(TO ENGROSSED COPY)

Page 9-line 15

After "subsection." insert "Not later than June 1 of each year, the department of revenue shall report to the joint revenue interim committee on the amount of taxes that were exempted under this subsection during the prior tax year.". CASE

HB0131S3003/FAILED

(TO ENGROSSED COPY)

Page 5-line 19

Delete "only".

Page 5-line 22

After "Commission" insert "that are related to the issuance of a permit for the construction and operation of the advanced nuclear reactor"; after "." insert "Notwithstanding this subsection, the department of revenue shall pay an impact assistance payment after construction of an advanced nuclear reactor in accordance with W.S. 39-15-111(c) and 39-16-111(d).". CASE

HB0131S3004/FAILED

(TO ENGROSSED COPY)

Page 2-line 2

After "W.S." insert "35-11-1502(a),".

Page 2-after line 7

Insert:

"35-11-1502. Application to site a high-level radioactive waste storage facility; requirements; payment of costs.

(a) Any person undertaking the siting of any high-level radioactive waste storage facility shall do so in accordance with this article. ~~Facilities subject to this article are exempt from the jurisdiction of~~The Industrial Development Information and Siting Act, W.S. 35-12-101 et seq., shall apply to facilities subject to this article to the extent that those provisions do not interfere with, contradict or duplicate any requirements of the United States nuclear regulatory commission. Notwithstanding this subsection, the department of revenue shall pay an impact assistance payment after construction of a storage facility in accordance with W.S. 39-15-111(c) and 39-16-111(d).". CASE

3/10/2022 S 3rd Reading:Passed 16-13-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Boner, Cooper, Dockstader, Furphy, Gierau, Hicks, Kinskey, Kolb, Kost, Landen, Perkins, Schuler, Scott, Wasserburger

Nays: Senator(s) Biteman, Bouchard, Case, Driskill, Ellis, French, Hutchings, James, Mckeown, Nethercott, Rothfuss, Salazar, Steinmetz

Excused: Senator Pappas

Ayes 16 **Nays** 13 **Excused** 1 **Absent** 0 **Conflicts** 0

3/10/2022 H Received for Concurrence

3/11/2022 H Concur:Passed 43-15-2-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Banks, Barlow, Blackburn, Brown, Burkhart, Burt, Crago, Duncan, Eklund, Eyre, Flitner, Greear, Hallinan, Harshman, Heiner, Henderson, Kinner, Larsen, L, Macguire, Newsome, Nicholas, Oakley, Obermueller, Olsen, Paxton, Romero-Martinez, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Sweeney, Walters, Washut, Western, Williams, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Bear, Clausen, Connolly, Fortner, Gray, Haroldson, Jennings, Knapp, Laursen, D, Lebeau, Neiman, Ottman, Provenza, Rodrig-Williams, Styvar

Excused: Representative(s) O'hearn, Wharff

Ayes 43 **Nays** 15 **Excused** 2 **Absent** 0 **Conflicts** 0

3/11/2022 Assigned Number HEA No. 0059
3/11/2022 H Speaker Signed HEA No. 0059
3/11/2022 S President Signed HEA No. 0059
3/21/2022 Governor Signed HEA No. 0059
3/21/2022 Assigned Chapter Number 103

Chapter No. 103 Session Laws of Wyoming 2022