

ENROLLED ACT NO. 95, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to the administration of the government; providing an enhanced oil recovery stimulus for the use of carbon dioxide in enhanced oil recovery; specifying conditions and requirements for the stimulus; providing for the administration of the stimulus; creating an account; requiring reports; requiring transfers of funds; authorizing rulemaking; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-25-101 through 9-25-104 are created to read:

CHAPTER 25
CARBON DIOXIDE AND ENHANCED OIL RECOVERY STIMULUS

9-25-101. Definitions.

(a) As used in this chapter:

(i) "Authority" means the Wyoming energy authority;

(ii) "Carbon capture, utilization and storage technology" means technology that has the principal purpose of capturing, reusing, storing, sequestering or using carbon dioxide emissions to prevent carbon dioxide from entering the atmosphere;

(iii) "Carbon dioxide provider" means a person that captures generated, emitted or produced carbon dioxide;

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(iv) "Enhanced oil and gas recovery" means all existing and future technologies or methods to recover oil and gas beyond traditional primary and secondary methods, including technology to optimize development and recovery of oil and gas resources;

(v) "Stimulus" means the enhanced oil recovery stimulus created by this chapter.

9-25-102. Enhanced oil recovery stimulus; requirements; qualifications.

(a) Any carbon dioxide provider may apply for and receive an enhanced oil recovery stimulus in accordance with all of the following:

(i) The carbon dioxide provider seeking the stimulus shall complete an application for the stimulus on a form and in intervals prescribed by the authority. A carbon dioxide provider may request from the authority a preapplication determination of eligibility for the stimulus under this chapter;

(ii) To qualify for the stimulus:

(A) The carbon dioxide shall be captured by the carbon dioxide provider through the use of carbon capture, utilization and storage technology;

(B) The carbon dioxide provider shall sell, deliver or provide the captured carbon dioxide for use in enhanced oil and gas recovery projects in Wyoming; and

(C) The crude oil or natural gas produced from enhanced oil and gas recovery shall be produced using

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carbon dioxide specified in subparagraphs (A) and (B) of this paragraph.

(iii) The captured carbon dioxide provided by the carbon dioxide provider and used in the enhanced oil and gas recovery production of the crude oil or natural gas shall be from a carbon dioxide source originating within the state of Wyoming;

(iv) The carbon capture, utilization and storage technology and the captured carbon dioxide specified in paragraph (iii) of this subsection that is used in the enhanced oil and gas recovery production of the crude oil or natural gas shall qualify for the federal tax credit available for carbon oxide sequestration under 26 U.S.C. 45Q, as amended as of January 1, 2023 and subject to subsection (c) of this section;

(v) The carbon dioxide provider shall qualify for and receive the federal tax credit under 26 U.S.C. 45Q before receiving the stimulus authorized under this chapter;

(vi) To ensure that the enhanced oil and gas recovery production and the use of a carbon dioxide provider's captured carbon dioxide satisfies the conditions specified in this subsection, the authority may consult with any federal or state agency necessary before approving the stimulus authorized under this chapter.

(b) Subject to available funding, the stimulus that is available to a carbon dioxide provider shall, subject to subsection (d) of this section, be equal to ten dollars (\$10.00) for every one (1) ton of carbon dioxide that:

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(i) The carbon dioxide provider sells or delivers for use in enhanced oil and gas recovery; and

(ii) Is stored through the enhanced oil and gas recovery production that meets the requirements of this section.

(c) The stimulus shall be available to a carbon dioxide provider until the date that the carbon dioxide provider no longer qualifies for the federal tax credit under 26 U.S.C. 45Q. The authority shall adjust the amount of the stimulus in proportion to any change in the difference between the amount of the credit available under 26 U.S.C. 45Q for a qualified enhanced oil or natural gas recovery project and the amount of the credit available under 26 U.S.C. 45Q for secure geological storage that is not used for enhanced oil or natural gas recovery. The stimulus shall not be available during any time that the amount of the credit available under 26 U.S.C. 45Q for secure geological storage that is not used for enhanced oil or natural gas recovery exceeds the amount of the credit available under 26 U.S.C. 45Q for a qualified enhanced oil or natural gas recovery project by not more than fifteen dollars (\$15.00) or if the credit available under 26 U.S.C. 45Q for secure geological storage that is not used for enhanced oil or natural gas recovery is equal to or less than the amount of the credit available under 26 U.S.C. 45Q for a qualified enhanced oil or natural gas recovery project.

(d) The stimulus shall be paid from funds in the enhanced oil recovery stimulus account created in W.S. 9-25-104, subject to available funds within the account. The stimulus shall not be paid from any other source except upon express approval by legislative act. In the event of

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insufficient funds in the enhanced oil recovery stimulus account established in W.S. 9-25-104 for any one (1) fiscal year, stimulus payments shall be prorated.

9-25-103. Enhanced oil recovery stimulus; administration; reporting.

(a) The authority shall administer the stimulus and shall ensure that each carbon dioxide provider applying to receive a stimulus meets all qualifications under this chapter before receiving a stimulus. The authority shall promulgate all rules necessary to implement the stimulus program.

(b) Upon determining each carbon dioxide provider's eligibility to receive a stimulus, the authority shall report the eligibility to the governor and the state auditor. Upon receiving a report from the authority, the state auditor shall disburse funds from the enhanced oil recovery stimulus account established in W.S. 9-25-104 to the carbon dioxide provider in an amount equal to the stimulus to which the provider is entitled under this chapter.

(c) Not later than November 1 of each year, the authority shall report to the joint revenue interim committee and the joint minerals, business and economic development interim committee on the amount of stimulus funds paid from the enhanced oil recovery stimulus account for the immediately preceding fiscal year and any associated revenue impacts from the stimulus payments.

9-25-104. Enhanced oil recovery stimulus account; administration; fund transfers; severance tax reporting.

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(a) There is created the enhanced oil recovery stimulus account. Funds in the account shall be invested by the state treasurer in accordance with law. All earnings earned on funds within the account shall be deposited in the account. Subject to subsection (b) of this section, funds within the account are continuously appropriated to the governor to be expended only for providing stimulus payments to carbon dioxide providers in accordance with this chapter.

(b) If there is no expenditure of any funds from the enhanced oil recovery stimulus account before July 1, 2034, then all funds in the enhanced oil recovery stimulus account shall revert to the legislative stabilization reserve account on July 1, 2034.

(c) Not later than August 1, 2025 and each August 1 thereafter, the department of revenue shall report to the governor, the state auditor, the authority, the joint appropriations committee and the joint minerals, business and economic development interim committee on the amount of severance taxes remitted to the department under W.S. 39-14-204(a)(iv), plus one-half (1/2) of the amount of severance tax remitted under W.S. 39-14-204(a)(iii), as a result of crude oil and natural gas produced using enhanced oil and gas recovery techniques and using captured carbon dioxide for which a stimulus is provided under this chapter. The authority shall report the amount of the stimulus provided under this chapter, including any adjustments made to the amount of the stimulus under W.S. 9-25-102(c).

(d) Not later than September 1, 2025 and each September 1 thereafter, the state auditor shall transfer the amount of funds remitted to and reported by the

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department of revenue under subsection (c) of this section for the immediately preceding fiscal year from the general fund to the accounts specified in this subsection, in accordance with the following:

(i) The state auditor shall adjust the amount transferred under this subsection based on any adjustments made to the amount of the stimulus under W.S. 9-25-102(c);

(ii) Funds shall be first transferred to the enhanced oil recovery stimulus account, provided that any transfer under this paragraph shall not exceed the amount necessary to bring the balance of the enhanced oil recovery stimulus account to a balance of ten million dollars (\$10,000,000.00) until all transfers required under paragraph (iii) of this subsection are completed;

(iii) After transfers are made under paragraph (ii) under this subsection, any remaining funds shall be transferred to the legislative stabilization reserve account. No transfers shall be made under this paragraph after a total of ten million dollars (\$10,000,000.00) is transferred to the legislative stabilization reserve account under this paragraph.

Section 2. There is appropriated from the legislative stabilization reserve account to the enhanced oil recovery stimulus account established by W.S. 9-25-104, as created by section 1 of this act, ten million dollars (\$10,000,000.00). This appropriation shall be expended only for purposes of providing stimulus payments for the enhanced oil recovery stimulus established in W.S. 9-25-101 through 9-25-104, as created by section 1 of this act. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e)

ORIGINAL SENATE
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and 9-4-207, this appropriation shall not revert except as otherwise provided in W.S. 9-25-104(b), as created by section 1 of this act.

Section 3. This act is effective July 1, 2025.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk