

## SENATE FILE NO. SF0054

Electricity production facilities on municipal property.

Sponsored by: Joint Corporations, Elections & Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to cities and towns; clarifying that cities  
2 and towns are authorized to construct electricity  
3 production facilities; clarifying when revenue bonds can be  
4 issued for electricity production facilities; specifying  
5 that cities and towns operating electricity production  
6 facilities pursuant to an agreement are not public  
7 utilities; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 15-1-702(a)(intro), 15-7-101(a)(v),  
12 15-7-111 by creating a new subsection (c),  
13 37-1-101(a)(vi)(H)(II) and 37-16-101(a)(ii) are amended to  
14 read:

15

1           **15-1-702. Powers of municipalities and counties;**  
2 **limitations.**

3  
4           (a) Nothing in this article is intended, nor shall  
5 operate, to limit or restrict any governing body from  
6 carrying out its purposes and objectives through the  
7 exercise of powers otherwise granted by law. In addition to  
8 all other powers each municipality, county, and  
9 multi-county joint powers board has without any other  
10 authority the power to:

11

12           **15-7-101. Purposes.**

13

14           (a) In addition to all other powers provided by law,  
15 any city or town may make public improvements as follows  
16 for which bonds may be issued to the contractor or be sold  
17 as provided in this chapter to:

18

19           (v) Establish, construct, maintain and regulate  
20 electric light plants, and electric power plants ~~to supply~~  
21 ~~the inhabitants with electric lights and power, to light~~  
22 ~~the streets, highways and public buildings, and supply~~

1 ~~power for water works and other municipally owned works and~~  
2 ~~utilities~~ electricity generation facilities;

3  
4 **15-7-111. Bonds for municipal improvements;**  
5 **exception; procedure.**

6  
7 (c) In addition to all other powers provide by law  
8 and notwithstanding the municipal improvements authorized  
9 under subsection (a) of this section, any city or town may  
10 issue and sell revenue bonds for the purpose of creating,  
11 constructing, maintaining, expanding or improving  
12 electrical systems and any facilities located or to be  
13 located on property owned by a city or town for the  
14 wholesale generation, transmission or distribution of  
15 electrical energy. A city or town shall only operate  
16 electrical systems for wholesale energy production subject  
17 to agreement with the public utility that has the city or  
18 town or a portion of the city or town within the  
19 certificated service territory of the public utility. No  
20 revenue bonds shall be issued or sold for the purpose of  
21 purchasing or in any manner acquiring the ownership of an  
22 existing electrical system.

23

1           **37-1-101. Definitions.**

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3           (a) As used in chapters 1, 2, 3, 12, 17 and 18 of  
4 this title:

5

6           (vi) "Public utility" means and includes every  
7 person that owns, operates, leases, controls or has power  
8 to operate, lease or control:

9

10           (H) None of the provisions of this chapter  
11 shall apply to:

12

13           (II) Public utilities owned and  
14 operated by a municipality selling electricity at wholesale  
15 pursuant to a commission regulated agreement with a public  
16 utility as provided in W.S. 15-7-111(c) or to public  
17 utilities owned and operated by a municipality of the state  
18 of Wyoming or owned and operated by a joint powers entity  
19 formed pursuant to the Wyoming Joint Powers Act, W.S.  
20 16-1-102 through 16-1-110, and comprised of two (2) or more  
21 municipalities, except as to that portion of a municipality  
22 owned and operated public utility or joint powers entity  
23 owned and operated public utility, if any, as may extend

1 services outside the corporate limits of a municipality and  
2 except that if any municipal or joint powers utility owns  
3 an undivided interest in a facility for the production of  
4 electricity which is also partly owned by an agency subject  
5 to the jurisdiction of the public service commission, the  
6 sale of electricity in excess of the participating  
7 municipalities' or joint powers entities' need is subject  
8 to this act;

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10 **37-16-101. Definitions.**

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12 (a) As used in this chapter unless the context or a  
13 specific article otherwise requires:

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15 (ii) "Customer-generator" means a user of a net  
16 metering system. "Customer-generator" shall not include a  
17 municipality operating electrical systems for wholesale  
18 energy production pursuant to an agreement with a public  
19 utility as provided in W.S. 15-7-111(c);

20

21 **Section 2.** This act is effective July 1, 2025.

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23

(END)