

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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(a)(v), 37-1-101(a)(vi)(H)(II) are amended to read:

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

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

15-7-101. Purposes.

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

(v) Establish, construct, maintain and regulate electric light plants, ~~and~~ electric power plants and other electricity generation facilities; ~~to supply the inhabitants with electric lights and power, to light the~~

1 ~~streets, highways and public buildings, and supply power~~
2 ~~for water works and other municipally owned works and~~
3 ~~utilities;~~

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

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8 (a) Any city or town may issue and sell revenue bonds
9 for the purpose of creating, purchasing, leasing,
10 constructing, maintaining, expanding or improving the
11 following types of municipal improvements:

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13 (v) Electrical systems and any facilities
14 located ~~within or without the state~~ on municipal property
15 for the generation, transmission or distribution of
16 electrical energy. ~~, provided that this paragraph shall~~
17 ~~only apply to those municipalities that owned their~~
18 ~~electrical systems prior to March 1, 1975.~~ The municipality
19 may operate electrical systems for wholesale energy
20 production subject to agreement with the public utility
21 that has the municipality or a portion of the municipality
22 within the certificated service territory of the public
23 utility. No revenue bonds shall be issued or sold for the

1 purpose of purchasing or in any manner acquiring the
2 ownership of an existing electrical system.

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4 **37-1-101. Definitions.**

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

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

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13 (H) None of the provisions of this chapter
14 shall apply to:

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16 (II) Public utilities owned and
17 operated by a municipality pursuant to an agreement with a
18 public utility as provided in W.S. 15-7-111(a)(v) or to

19 public utilities owned and operated by a municipality of
20 the state of Wyoming or owned and operated by a joint
21 powers entity formed pursuant to the Wyoming Joint Powers
22 Act, W.S. 16-1-102 through 16-1-110, and comprised of two

23 (2) or more municipalities, except as to that portion of a

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

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12 **37-16-101. Definitions.**

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

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

22

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

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(END)