DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION

HOUSE BILL NO.

Electricity from solar and nuclear resources-taxation.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

AN ACT relating to taxes on electricity production; amending the tax on the production of electricity from wind resources to include a tax on the production of electricity from solar and nuclear generating resources; making conforming amendments; repealing the existing tax on electricity produced from nuclear reactors; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 39-22-101, 39-22-103, 39-22-105(b) and 39-22-107(a) are amended to read:

39-22-101. Definitions.

~~There are no specific applicable provisions for definitions for~~ As used in this chapter, "generating facility" means any facility generating electricity from wind or solar resources in this state and any facility generating electricity from a nuclear reactor in this state.

39-22-103. Imposition.

There is levied an excise tax upon the privilege of producing electricity from wind, solar and nuclear generating resources in this state. The tax shall be imposed upon the production of any electricity produced ~~from wind resources for sale or trade on or after January 1, 2012,~~ by a generating facility and shall be paid by the person producing such electricity. The tax shall be imposed on each megawatt hour of electricity produced from ~~wind resources~~ the generating facility at the point of interconnection with an electric transmission line.

39-22-105. Exemptions.

(b) Electricity produced from a ~~wind turbine~~ generating facility shall not be subject to the tax imposed under this chapter until the date three (3) years after the ~~turbine~~ generating facility first produced electricity for sale. ~~After such date the production shall be subject to the tax, as provided by W.S. 39-22-103, regardless of whether production first commenced prior to or after January 1, 2012.~~

39-22-107. Compliance; collection procedures.

(a) Returns and reports. Any person producing electricity ~~from wind resources~~ within this state which is subject to the tax imposed by this chapter shall report the amount of megawatt hours produced in this state on or before February 1 of the year immediately following the year in which the electricity was produced.

Section 2. W.S. 39-23-101 through 39-23-111 are repealed.

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STAFF COMMENT

The repealed sections repeal the existing tax upon the sale of electricity from nuclear reactors in this state.

Note, there is an exemption in W.S. 39-23-105(c) for any advanced nuclear reactor operated in accordance with W.S. 35-11-2101. Beginning July 1, 2035, a taxpayer shall only qualify for the exemption 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.

With the repeal of that chapter, that exemption is also repealed.

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Section 3. This act shall apply to electricity generated from solar resources or from nuclear generating facilities on or after January 1, 2028

Section 4. This act is effective January 1, 2028.

(END)