

HOUSE BILL NO. HB0080

Coal reclamation fee.

Sponsored by: Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to coal; imposing additional taxes on
2 surface and underground coal if the current federal
3 reclamation fee expires or is repealed; providing for
4 distribution of the additional taxes; requiring a report;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 39-14-104(a) (intro), (b) (intro) and
10 by creating new subsections (c) and (d) and 39-14-111(a)
11 are amended to read:

12

13 **39-14-104. Tax rate.**

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15 (a) The ~~total~~ severance tax rate for surface coal
16 shall be seven percent (7%). This rate comprises one and

1 one-half percent (1.5%) imposed by Wyoming constitution
2 article 15, section 19, and five and one-half percent
3 (5.5%) imposed statutorily. The tax shall be distributed
4 as provided in W.S. 39-14-111 and is imposed as follows:

5

6 (b) The ~~total~~ severance tax rate for underground coal
7 shall be three and three-quarters percent (3.75%). The tax
8 shall be distributed as provided in W.S. 39-14-111 and is
9 imposed as follows:

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11 (c) In addition to the tax under subsection (a) of
12 this section, there shall be an additional severance tax
13 rate for surface coal of two and two-tenths percent (2.2%).
14 The rate under this subsection shall only be effective for
15 coal produced on or after January 1 of the year immediately
16 following the year that the department of revenue certifies
17 to the secretary of state and the governor that the United
18 States congress has repealed or failed to renew the
19 reclamation fee required under 30 U.S.C. 1232(a).

20

21 (d) In addition to the tax under subsection (b) of
22 this section, there shall be an additional severance tax
23 rate for underground coal of one percent (1%). The rate

1 under this subsection shall only be effective for coal
2 produced on or after January 1 of the year immediately
3 following the year that the department of revenue certifies
4 to the secretary of state and the governor that the United
5 States congress has repealed or failed to renew the
6 reclamation fee required under 30 U.S.C. 1232(a).

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8 **39-14-111. Distribution.**

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10 (a) As provided by W.S. 39-14-104(a), the ~~total~~
11 severance tax rate for surface coal shall be seven percent
12 (7%). As provided by W.S. 39-14-104(b), the ~~total~~-severance
13 tax rate for underground coal shall be three and
14 three-quarters percent (3.75%). A one and one-half percent
15 (1.5%) tax imposed by W.S. 39-14-104(a)(i) and a one and
16 one-half percent (1.5%) tax imposed by W.S. 39-14-104(b)(i)
17 shall be deposited into the permanent Wyoming mineral trust
18 fund. All other taxes imposed by W.S. 39-14-104(a) and (b)
19 shall be deposited into the severance tax distribution
20 account. The taxes imposed under W.S. 39-14-104(c) and (d),
21 if applicable, shall be deposited into the general fund.

22

1 **Section 2.** The department of revenue shall, not later
2 than October 1 of each year, review the status of 30 U.S.C.
3 1232(a) and determine if that section has been repealed or
4 has not been renewed. 30 U.S.C. 1232(a) is currently
5 scheduled to expire on September 30, 2021. Not later than
6 November 1, 2021 the department shall report to the joint
7 revenue interim committee and the joint minerals, business
8 and economic development interim committee on the status of
9 30 U.S.C. 1232(a) and whether it was renewed or extended by
10 congress or was allowed to expire.

11

12 **Section 3.** This act is effective July 1, 2018.

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(END)