108TH CONGRESS
1ST SESSION

H. R. 3336

To clarify congressional approval of certain State energy production tax
practices.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2003

Mr. GILLMOR introduced the following bill; which was referred to the Com-
mittee on the Judiciary, and in addition to the Committee on Energy and
Commerce, for a period to be subsequently determined by the Speaker,
in each case for consideration of such provisions as fall within the juris-
diction of the committee concerned

A BILL

To clarify congressional approval of certain State energy
production tax practices.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENERGY PRODUCTION INCENTIVES.**

4   (a) IN GENERAL.—A State may provide to any enti-

5 ty—

6   (1) a credit against any tax or fee owed to the

7   State under a State law, or

8   (2) any other tax incentive,

1 determined by the State to be appropriate, in the amount

2 calculated under and in accordance with a formula deter-

3 mined by the State, for production described in subsection

4 (b) in the State by the entity that receives such credit or

5 such incentive.

6 (b) ELIGIBLE ENTITIES.—Subsection (a) shall apply

7 with respect to the production in the State of—

8 (1) electricity from coal mined in the State and

9 used in a facility, if such production meets all appli-

10 cable Federal and State laws and if such facility

11 uses scrubbers or other forms of clean coal tech-

12 nology,

13 (2) electricity from a renewable source such as

14 wind, solar, or biomass, or

15 (3) ethanol.

SEC. 2. EFFECT ON INTERSTATE COMMERCE.

17 Any action taken by a State in accordance with this

18 Act with respect to a tax or fee payable, or incentive appli-

19 cable, for any period beginning after the date of the enact-

20 ment of this Act shall—

21 (1) be considered to be a reasonable regulation

22 of commerce, and

23 (2) not be considered to impose an undue bur-

24 den on interstate commerce or to otherwise impair,

1 restrain, or discriminate, against interstate com-

2 merce.

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