

## HOUSE BILL NO. HB0213

Coal fired facility worker protections.

Sponsored by: Representative(s) Burlingame, Furphy and  
Newsome and Senator(s) Anselmi-Dalton,  
Driskill and Schuler

A BILL

for

1 AN ACT relating to public utilities; requiring a guaranty  
2 of obligations accrued to employees of coal fired  
3 generation facilities being sold by a public utility;  
4 amending authority of the public service commission as  
5 specified; conforming amendments; specifying applicability;  
6 and providing for an effective date.

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

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10 **Section 1.** W.S. 37-2-133(a) and by creating a new  
11 subsection (f) and 37-3-117(b)(iii), by creating a new  
12 paragraph (iv), by renumbering (iv) as (v), (e)(viii), by  
13 creating a new paragraph (ix) and by renumbering (ix) as  
14 (x) are amended to read:

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1           37-2-133. Exemption for purchase of coal fired  
2 generation facilities that would otherwise have been  
3 retired; public utility purchase requirements; conditions  
4 for exemption.

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6           (a) Except as otherwise provided in this section, the  
7 provisions of this chapter and chapters 1 and 3 of this  
8 title shall not apply to a person who operates a coal fired  
9 electric generation facility purchased under an agreement  
10 approved by the commission under W.S. 37-3-117.

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12           (f) Liability for existing employees' benefits that  
13 have accrued with employees' years of service and accrued  
14 employee and retiree benefit plans and obligations shall  
15 not be transferred to a person purchasing an otherwise  
16 retiring coal fired electric generation facility unless the  
17 purchaser first posts with the department of workforce  
18 services a surety bond that ensures payment of these  
19 liabilities in an amount and meeting other terms,  
20 conditions and requirements determined by the department of  
21 workforce services. Upon any failure to meet the  
22 obligations secured by the bond or violation of the terms,  
23 conditions and requirements determined by the department of

1 workforce services, the department of workforce services is  
2 authorized to commence and prosecute an action or actions  
3 on the bond in the name of the state of Wyoming, through  
4 the attorney general or other proper prosecuting officer.  
5 If the person purchasing the otherwise retiring coal fired  
6 electric generation facility does not post a sufficient  
7 surety bond as determined by the department of workforce  
8 services, the public utility selling the facility shall  
9 retain liability for all employee and retiree benefits and  
10 obligations accrued at the time of the sale.

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12 **37-3-117. Limitation for recovery of costs associated**  
13 **with electric generation built to replace retiring coal**  
14 **fired generation facility.**

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16 (b) In determining whether the public utility made a  
17 good faith effort to sell the retired coal fired electric  
18 generation facility under this section the commission shall  
19 consider:

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21 (iii) Whether the public utility reasonably  
22 evaluated any offers received by the public utility for the  
23 purchase of the facility; ~~and~~

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(iv) Whether the public utility disclosed sufficient evidence of its liability for existing employees' benefits that have accrued with employees' years of service and accrued employee and retiree benefit plans and obligations to make potential purchasers aware of the obligations or whether the public utility provided sufficient evidence of its own solvency to satisfy all employee and retiree benefits and obligations after sale of the facility;

~~(iv)~~(v) Any other factor deemed appropriate by the commission.

(e) Any agreement between a public utility and another person for the sale of an otherwise retiring coal fired electric generation facility shall not be effective until approved by the commission. In reviewing the agreement the commission shall consider:

(viii) Whether the proposed purchaser has agreed in the purchase agreement to obtain commission approval prior to transferring, in whole or in part, the facility to

1 any other person so that the commission may ensure that the  
2 proposed new purchaser and the new purchase agreement meet  
3 the requirements of this section;~~and~~

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5 (ix) Whether the proposed purchaser has assumed  
6 liability for existing employees' benefits that have  
7 accrued with employees' years of service and accrued  
8 employee and retiree benefit plans and obligations and  
9 posted a surety bond with the department of workforce  
10 services, as required by W.S. 37-2-133(f), that ensures  
11 payment of these liabilities in an amount and meeting other  
12 terms, conditions and requirements determined by the  
13 department of workforce services. If the proposed purchaser  
14 does not post a sufficient surety bond as determined by the  
15 department of workforce services, the commission shall  
16 ensure that the agreement provides for the public utility  
17 selling the facility to retain liability for all employee  
18 and retiree benefits and obligations accrued at the time of  
19 the sale;

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21 ~~(ix)~~(x) Any other factor deemed appropriate by  
22 the commission.

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1           **Section 2.** This act applies to coal fired electric  
2 generation facilities being sold or retiring on or after  
3 the effective date of this act.

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5           **Section 3.** This act is effective July 1, 2020.

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(END)