

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

AN ACT relating to the administration of government; providing legislative findings; providing an appropriation for the purpose of commencing and prosecuting lawsuits against states and other states' state entities as specified; creating an account as specified; requiring reports; and providing for an effective date.

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

**Section 1.**

(a) The legislature finds that:

(i) Wyoming is the largest producer of coal in the United States;

(ii) The production, sale and consumption of coal contributes greatly to Wyoming's economy, contributing millions of dollars in taxes and other revenues annually to the state of Wyoming;

(iii) The state of Wyoming and the coal industry have worked together for years to develop Wyoming's coal in a safe, clean and responsible manner in order to provide clean and reliable coal that can be exported and utilized for the nation's energy needs;

(iv) The export of coal is vital to interstate commerce, the global economy, the economic and proprietary interests of the state of Wyoming and the economic interests of Wyoming citizens;

(v) Other states in the United States have enacted and enforced laws that have had the result of greatly curtailing the demand for and export of Wyoming

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coal. As a result, Wyoming's coal production has decreased, and Wyoming's coal-fired electric generation facilities are forced into early retirement, harming the state of Wyoming and its citizens;

(vi) The enactment and enforcement of laws by other states transitioning to the use of other forms of energy impede Wyoming's ability to export Wyoming coal to other states and countries and disproportionately impact Wyoming's coal-fired electric generation facilities. These laws may impermissibly burden interstate commerce and may be contrary to federal law regulating the wholesale sale and transmission of electric energy in interstate commerce;

(vii) The commencement and prosecution of lawsuits to challenge state laws restricting the import of Wyoming coal into their states or the use of coal in the production of electricity is necessary to minimize and eliminate further harm of serious magnitude to the economic and proprietary interests of Wyoming and its citizens and to remove barriers preventing Wyoming from engaging in interstate commerce;

(viii) The economic interests of Wyoming and its citizens will continue to be harmed if other states continue to enact and enforce laws that restrict Wyoming's ability to engage in interstate commerce and in compliance with federal law concerning the interstate sale and transmission of electricity.

**Section 2.** There is appropriated one million two hundred thousand dollars (\$1,200,000.00) from the general fund to the office of the governor for purposes of commencing and prosecuting lawsuits against other states and other states' agencies that enact and enforce laws,

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regulations or other actions that impermissibly impede Wyoming's ability to export coal or that cause the early retirement of coal-fired generation facilities located in Wyoming. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2030. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2030. There is created an account within the office of the governor into which the funds appropriated under this section as created by this act shall be deposited. The funds in the account shall be continuously appropriated to the office of the governor for the purposes of funding any litigation expenses incurred in accordance with this act.

**Section 3.**

(a) On or before October 1, 2021 and each year thereafter until October 1, 2030, the governor and the attorney general shall report to the joint appropriations committee and the joint minerals, business and economic development interim committee on:

(i) The expenditure of any funds appropriated in section 2 of this act for litigation to challenge laws or other actions that impede the export of Wyoming coal or the continued operation of Wyoming's coal-fired electric generation facilities, including early retirements of those facilities;

(ii) The status of any litigation initiated or concluded using the funds appropriated in section 2 of this act. The governor and attorney general may present the

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information required by this paragraph in executive session;

(iii) Any recommendations for further legislation necessary to effectuate the purposes of this act or for additional funding for litigation related to the purposes of this act.

**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk