

HOUSE BILL NO. HB0207

Coal fired generation facility closures-litigation funding.

Sponsored by: Representative(s) Haroldson, Andrew, Barlow, Bear, Blackburn, Clausen, Crago, Duncan, Fortner, Gray, Greear, Hallinan, Hunt, Jennings, Knapp, Laursen, Neiman, Ottman, Rodriguez-Williams, Romero-Martinez, Sommers, Western and Winter and Senator(s) Baldwin, Biteman, Boner, Dockstader, Driskill, French, Hicks, Hutchings, Kolb, Kost, Landen, Pappas, Schuler, Steinmetz and Wasserburger

A BILL

for

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

7

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

9

10 **Section 1.**

11

1 (a) The legislature finds that:

2

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

5

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

10

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

16

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

21

22 (v) Other states in the United States, including
23 states in the western United States, have enacted and

1 enforced laws that have had the result of greatly
2 curtailing the demand for and export of Wyoming coal. As a
3 result, Wyoming's coal production has decreased, and
4 Wyoming's coal-fired electric generation facilities are
5 forced into early retirement, harming the state of Wyoming
6 and its citizens;

7

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

16

17 (vii) The commencement and prosecution of
18 lawsuits to challenge state laws restricting the import of
19 Wyoming coal into their states or the use of coal in the
20 production of electricity is necessary to minimize and
21 eliminate further harm of serious magnitude to the economic
22 and proprietary interests of Wyoming and its citizens and

1 to remove barriers preventing Wyoming from engaging in
2 interstate commerce;

3

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

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11 **Section 2.** There is appropriated one million two
12 hundred thousand dollars (\$1,200,000.00) from the general
13 fund to the office of the governor for purposes of
14 commencing and prosecuting lawsuits against other states
15 and other states' agencies that enact and enforce laws,
16 regulations or other actions that impermissibly impede
17 Wyoming's ability to export coal or that cause the early
18 retirement of coal-fired generation facilities located in
19 Wyoming. This appropriation shall be for the period
20 beginning with the effective date of this act and ending
21 June 30, 2030. This appropriation and the expenditure of
22 funds from this appropriation shall be accounted for
23 separately. This appropriation shall not be transferred or

1 expended for any other purpose and any unexpended,
2 unobligated funds remaining from this appropriation shall
3 revert as provided by law on June 30, 2030. It is the
4 intent of the legislature that this appropriation not be
5 included in the office of the governor's budget for the
6 immediately succeeding fiscal biennium.

7

8 **Section 3.**

9

10 (a) Beginning on November 1, 2021 and each six (6)
11 months thereafter until November 1, 2030, the governor and
12 the attorney general shall report to the joint
13 appropriations committee and the joint minerals, business
14 and economic development interim committee on:

15

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

22

1 (ii) The status of any litigation initiated or
2 concluded using the funds appropriated in section 2 of this
3 act. The governor and attorney general may present the
4 information required by this paragraph in executive
5 session;

6

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

11

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

16

17

(END)