

HOUSE BILL NO. HB0307

Cost associated with decommissioning power plants.

Sponsored by: Representative(s) Barlow and Senator(s)
Driskill

A BILL

for

1 AN ACT relating to public utilities; providing for the study
2 of decommissioning of facilities generating electricity;
3 providing for development of a process to recover costs to
4 the state and local governments resulting from
5 decommissioning; requiring a report; providing an
6 appropriation; making legislative findings and specifying
7 legislative intent; and providing for an effective date.

8

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

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11 **Section 1.** The legislature finds that the state and
12 local governments in the state have incurred costs in
13 providing infrastructure to facilities generating
14 electricity. The decommissioning of these facilities prior
15 to their anticipated useful life at the time of construction

1 negatively impacts the state, local governments and customers
2 of the utility. The state of Wyoming and its citizens should
3 not bear the increased costs associated with a utility's
4 decision to accommodate other state's requirements for
5 electricity generated by renewable resources. It is the
6 intent of this act to review costs associated with premature
7 decommissioning of facilities generating electricity and to
8 determine a method and means to fairly allocate these costs.

9

10 **Section 2.**

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12 (a) The industrial siting division of the department of
13 environmental quality and the industrial siting council shall
14 review the feasibility of establishing a process to allow the
15 state and local governments to recover infrastructure costs
16 associated with roads, water and sewage services and other
17 infrastructure improvements incurred by local governments in
18 providing services to utilities when a utility decommissions
19 facilities generating electricity. The review shall include
20 consultation with representatives of local governmental
21 entities to inform the division and council of costs to local
22 governments in providing infrastructure improvements to

1 utilities and impacts to the local citizenry by
2 decommissioning of facilities generating electricity.

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4 (b) The review shall consider modifications to the
5 Industrial Development Information and Siting Act to provide
6 a process under which a utility proposing to decommission a
7 facility generating electricity would apply for a permit to
8 do so, identifying the area of the state impacted by the
9 decommissioning and allowing input to identify costs incurred
10 by the state and local government in supplying infrastructure
11 improvements for the generating facility proposed to be
12 decommissioned as well as impacts to the local citizenry.
13 The review may consider other statutory modifications which
14 would provide a process for utilities to report proposed
15 decommissioning of facilities generating electricity to state
16 regulators in order for the state to create a process for
17 impacts caused by the decommissioning, including
18 infrastructure improvements made to accommodate the
19 generating facility, to be recovered by those impacted.

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21 (c) The division and council shall report to the joint
22 minerals, business and economic development interim committee

1 on the review required by this act not later than September
2 1, 2019.

3
4 (d) The joint minerals, business and economic
5 development interim committee shall review the process for
6 utilities to decommission facilities generating electricity,
7 including agencies with oversight responsibility for
8 approving the decommissioning, requirements to meet
9 associated environmental responsibilities in the state and
10 recovery of costs associated with the decommissioning. State
11 agencies shall provide the committee with information as
12 requested by the committee in its review. The committee may
13 hold public hearings in any areas of the state in which a
14 utility proposes to decommission a facility generating
15 electricity within the next two (2) years and may conduct
16 other public hearings as the committee determines
17 appropriate. The committee shall introduce legislation in
18 the 2020 budget session as it determines appropriate to
19 address any issues raised by decommissioning of electrical
20 generating facilities.

21

22 **Section 3.** There is appropriated twenty-five thousand
23 dollars (\$25,000.00) from the general fund to the legislative

1 service office. This appropriation shall be used to pay costs
2 of any public hearings and meetings conducted by the joint
3 minerals, business and economic development interim committee
4 pursuant to this act. This appropriation shall be for the
5 period beginning with the effective date of this act and
6 ending June 30, 2020.

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

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(END)