



HB0069

**Coal-fired facility closures litigation
funding-amendments.**

Sponsored By: Representative(s) Larsen, L and Knapp and Senator(s)
Barlow and Dockstader

AN ACT relating to the administration of government; continuing the coal-fired facility closures litigation funding account; amending permissible purposes and uses for the coal-fired facility closures litigation funding account for commencing and prosecuting lawsuits against states relating to coal exportation and coal-fired electric generation facilities; making conforming amendments; requiring reports; and providing for an effective date.

1/3/2023 Bill Number Assigned
1/6/2023 H Received for Introduction
1/12/2023 H Introduced and Referred to H09 - Minerals
1/16/2023 H09 - Minerals:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Banks, Burkhardt, Jr, Conrad, Heiner, Knapp, Larson, Lawley, Tarver, Western

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/16/2023 H Placed on General File

HB0069HS001/ADOPTED

Page 2-line 5 After "agencies" insert "and local governments".

Page 2-line 7 After "states" insert ", local governments"; after "parties" insert "including a corporation, partnership or other unincorporated association". BURKHART, CHAIRMAN

1/17/2023 H COW:Passed
1/18/2023 H 2nd Reading:Passed
1/19/2023 H 3rd Reading:Passed 55-5-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhardt, Jr, Byron, Chadwick, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Stith, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Chestek, Provenza, Sherwood, Storer, Yin

Excused: Representative(s) Newsome, Speaker Sommers

Ayes 55 **Nays** 5 **Excused** 2 **Absent** 0 **Conflicts** 0

1/19/2023 S Received for Introduction
1/31/2023 S Introduced and Referred to S09 - Minerals
2/3/2023 S09 - Minerals:Recommend Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Cooper, Dockstader, Ellis, Jones

Nays: Senator Rothfuss

Ayes 4 Nays 1 Excused 0 Absent 0 Conflicts 0

2/3/2023 S Placed on General File

HB0069SW001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 1 After "government;" insert "continuing the coal-fired facility closures litigation funding account;".

Page 1-line 2 Delete "of a previous".

Page 1-line 3 Delete "appropriation" and insert "for the coal-fired facility closures litigation funding account".

Page 1-line 6 After "amendments;" insert "requiring reports;".

Page 1-lines 10 through 15 Delete entirely.

Pages 2 and 3 Delete entirely.

Page 4-lines 1 through 11 Delete entirely and insert:

"Section 1.

(a) The account created by 2021 Wyoming Session Laws, Chapter 112, Section 2 is continued. Any funds in the account on the effective date of this act shall remain in the account. Funds shall not be transferred or expended for any purpose other than administering and enforcing the provisions of this section. 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 section. Any unexpended, unobligated funds remaining in the account shall revert as provided by law on June 30, 2030.

(b) The governor may expend funds from the account under subsection (a) of this section for the purposes of intervening in, defending, commencing or prosecuting lawsuits against the federal government and its agencies, other states or other states' agencies and local governments that enact and enforce laws or regulations, or other actions by the federal government, other states, local governments or third parties, that impermissibly impede Wyoming's ability to export coal, that cause the early retirement of coal-fired electric generation facilities located in Wyoming, that result in the decreased use of Wyoming coal or the closure of coal-fired electric generation facilities that use Wyoming coal.

(c) On or before October 1, 2023 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 in the account to challenge laws or other actions authorized in accordance with this section;

(ii) The status of any litigation initiated, intervened in, defended, prosecuted or concluded using the funds in the account under subsection (a) of this section. The governor and attorney general may present the information required by this paragraph in executive session.

Section 2. 2021 Wyoming Session Laws, Chapter 112 is repealed."

Page 4-line 13

Delete "2." and insert "3.". ELLIS

HB0069SW002/ADOPTED

(TO ENGROSSED COPY)

Page 4-lines 1 through 11 In the Ellis committee of the whole amendment (HB0069SW001/A) to these lines, in subsection (a) created by that amendment, delete "June 30, 2030" and insert "June 30, 2026"; in subsection (c)(intro) created by that amendment, delete "October 1, 2030" and insert "October 1, 2026". ELLIS

2/7/2023 S COW:Passed
2/8/2023 S 2nd Reading:Passed
2/9/2023 S 3rd Reading:Passed 30-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Salazar, Schuler, Scott, Steinmetz

Nays: Senator Rothfuss

Ayes 30 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/9/2023 H Received for Concurrence
2/10/2023 H Concur:Passed 56-5-1-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Speaker Sommers, Stith, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Chestek, Provenza, Sherwood, Storer, Yin

Excused: Representative Jennings

Ayes 56 **Nays** 5 **Excused** 1 **Absent** 0 **Conflicts** 0

2/10/2023 Assigned Number HEA No. 0012
2/13/2023 H Speaker Signed HEA No. 0012
2/14/2023 S President Signed HEA No. 0012
2/15/2023 Governor Signed HEA No. 0012
2/15/2023 Assigned Chapter Number 6

Chapter No. 6 Session Laws of Wyoming 2023