

SENATE FILE NO. SF0091

Wyoming energy project accountability act.

Sponsored by: Senator(s) Steinmetz, French and Pearson and
Representative(s) Allemand, Bear, Campbell,
K, Heiner, Neiman and Webber

A BILL

for

1 AN ACT relating to the administration of the government;
2 providing requirements for energy projects; requiring
3 legislative approval for specified energy projects;
4 providing definitions; providing for exceptions; making
5 conforming amendments; requiring rulemaking; specifying
6 applicability; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-30-101 through 9-30-105 are created
11 to read:

12

13

CHAPTER 30

14

ENERGY PROJECT FUNDING

15

1 **9-30-101. Short title.**

2

3 This act shall be known and may be cited as the "Wyoming
4 Energy Project Accountability Act."

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6 **9-30-102. Definitions.**

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8 (a) As used in this act:

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10 (i) "Energy project" means a project that
11 generates, stores, transmits, converts or delivers electric
12 energy from sources including wind, solar, natural gas,
13 coal, nuclear and hydrogen sources. "Energy project"
14 includes associated infrastructure, transmission
15 infrastructure and energy projects created pursuant to W.S.
16 37-5-501 through 37-5-509;

17

18 (ii) "Industrial-scale generation facility"
19 means a facility or project that produces electricity and
20 that meets any one (1) or more of the following thresholds:

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22 (A) Maintains not less than one hundred
23 fifty (150) megawatts of nameplate generation capacity;

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(B) For a wind energy facility, maintains a project footprint of not less than five thousand (5,000) acres; or

(C) For a solar energy facility, maintains a project footprint of not less than five hundred (500) acres.

(iii) "Large industrial power load" means a new or expanded electric load, whether served at one (1) site or a related campus, that is reasonably expected to require:

(A) Not less than seventy-five (75) megawatts of peak demand;

(B) Not less than one hundred (100) megawatts of peak demand when aggregated across related facilities under common ownership or control that are served through the same substation, feeder or point of interconnection or that are part of a single integrated

1 development plan, phased or constructed within five (5)
2 years.

3

4 (iv) "Legislative approval" means authorization
5 by enactment of a bill or resolution containing no other
6 subjects, solely for the purpose of approving a specific
7 project or multiple projects or a specific appropriation of
8 state funds, which may include conditions to protect
9 ratepayers, grid reliability, land use and public
10 transparency;

11

12 (v) "Project footprint" means the total acreage
13 within the project boundary owned, under lease, easement,
14 right-of-way or other control by the project owner or
15 operator for turbines, panels, substations, collector
16 systems, transmission, access roads, operations facilities
17 and required setbacks;

18

19 (vi) "State action" means any grant, loan, loan
20 guarantee, tax incentive, financing, bond, appropriation by
21 the state that materially enables construction,
22 interconnection or service of an industrial-scale

1 generation facility or large industrial power load covered
2 by this section;

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4 (vii) "State funds" means any money from the
5 general fund, special revenue funds, permanent funds,
6 revolving funds or any other funds under the control of the
7 state or any state agency, including grants, loans, loan
8 guarantees, tax expenditures, bonding authority or credit
9 support;

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11 (viii) "Upgrades" means upgrades in power or
12 increases in power output;

13

14 (ix) "This act" means W.S. 9-30-101 through
15 9-30-105.

16

17 **9-30-103. Legislative approval required for**
18 **industrial-scale projects and large industrial power loads.**

19

20 (a) Legislative approval through a bill or resolution
21 as required in this act containing a specific or multiple
22 projects must be approved by the legislature before
23 construction may begin.

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2 (b) Notwithstanding any other provision of law, no
3 public utility shall be required to serve a large
4 industrial power load, but may do so upon legislative
5 approval.

6

7 **9-30-104. Bill required for state funds for any**
8 **energy project.**

9

10 (a) No state agency, instrumentality or political
11 subdivision of the state shall obligate, expend, grant,
12 loan, guarantee, pledge or otherwise allocate state funds
13 for an energy project unless the legislature has approved
14 that specific expenditure, appropriation, grant, loan,
15 guarantee or pledge.

16

17 (b) Legislative approval shall require, at a minimum,
18 a bill or resolution which shall identify:

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20 (i) The project(s), sponsor(s) and project(s)
21 location(s);

22

23 (ii) The amount, type and source of state funds;

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2 (iii) The intended use of funds;

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4 (iv) Any conditions, performance requirements,
5 reporting, clawback or repayment terms; and

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7 (v) Whether and how the project(s) will ensure
8 that incremental costs are not shifted to other ratepayers.

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10 (c) Any documents provided to a state agency or
11 instrumentality to gain approval for an energy project
12 shall be provided to the legislature.

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14 (d) This section applies regardless of project size
15 and applies to any commitment made directly or indirectly
16 through state funds in a cumulative amount not less than
17 two hundred thousand dollars (\$200,000.00) unless expressly
18 exempted by W.S. 9-30-105.

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20 (e) The joint minerals, business and economic
21 development interim committee or the joint corporations,
22 elections and political subdivisions interim committee

1 shall develop and introduce legislation as necessary to
2 meet the requirements of this section.

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4 **9-30-105. Exceptions; emergency; routine.**

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6 (a) Legislative approval shall not be required in the
7 following circumstances:

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9 (i) Where the public service commission, due to
10 unforeseen circumstances or emergency, declares that
11 available energy production capacity is insufficient to
12 meet energy demand. The public service commission may
13 consult with appropriate agencies in making this
14 determination;

15

16 (ii) Where routine maintenance, replacement in
17 kind or uprates on an existing energy project do not exceed
18 the thresholds in W.S. 9-30-102(a).

19

20 **Section 2.** W.S. 9-12-104 by creating a new subsection
21 (c) and 37-5-502(g) by creating a new paragraph (iv) are
22 amended to read:

23

1 **9-12-104. General powers and duties of the council.**

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3 (c) The council shall comply with the Wyoming energy
4 project accountability act before awarding, granting,
5 investing or lending any funds under this act for energy
6 projects as defined by W.S. 9-30-102(a)(ii).

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8 **37-5-502. Wyoming energy authority.**

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10 (g) The authority is subject to the requirements of:

11

12 (iv) W.S. 9-30-101 through 9-30-105.

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14 **Section 3.** The public service commission shall
15 promulgate rules necessary to implement this act.

16

17 **Section 4.** Nothing in this act shall be construed to
18 alter, amend or impair any contract or other agreement
19 entered into before the effective date of this act.

20

21 **Section 5.** This act shall apply to any
22 industrial-scale generation facility or large industrial

1 power load for which a state action is first sought on or
2 after July 1, 2026.

3

4 **Section 6.** This act is effective July 1, 2026.

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6

(END)