

## 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; creating an account as specified; requiring  
 6 reports; and providing for an effective date.

7

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

9

10 **Section 1.**

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1           (a) The legislature finds that:

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

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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;

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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;

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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;

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22           (v) Other states in the United States have  
23 enacted and enforced laws that have had the result of

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

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

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

1

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

8

9 **Section 2.** There is appropriated five hundred  
10 thousand dollars (\$500,000.00) from the general fund to the  
11 office of the governor for purposes of commencing and  
12 prosecuting lawsuits against other states and other states'  
13 agencies that enact and enforce laws, regulations or other  
14 actions that impermissibly impede Wyoming's ability to  
15 export coal or that cause the early retirement of coal-  
16 fired generation facilities located in Wyoming. This  
17 appropriation shall be for the period beginning with the  
18 effective date of this act and ending June 30, 2030. This  
19 appropriation shall not be transferred or expended for any  
20 other purpose and any unexpended, unobligated funds  
21 remaining from this appropriation shall revert as provided  
22 by law on June 30, 2030. There is created an account within  
23 the office of the governor into which the funds

1 appropriated under this section as created by this act  
2 shall be deposited. The funds in the account shall be  
3 continuously appropriated to the office of the governor for  
4 the purposes of funding any litigation expenses incurred in  
5 accordance with this act.

6

7 **Section 3.**

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

14

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

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22 (ii) The status of any litigation initiated or  
23 concluded using the funds appropriated in section 2 of this

1 act. The governor and attorney general may present the  
2 information required by this paragraph in executive  
3 session;

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

9

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

14

15

(END)