

ORIGINAL HOUSE
BILL NO. HB0003

ENROLLED ACT NO. 23, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to public utilities; amending provisions of the Wyoming energy authority; providing for additional qualifications for energy authority members; amending ex officio members and powers of the authority; amending bonding requirements; repealing a bonding provision; amending definitions; providing the energy authority limited authority to execute administrative obligations as specified; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 37-5-501(a)(v), 37-5-502(b), (c)(intro), (i), (ii) and (iv), 37-5-503(a) by creating a new paragraph (ix), 37-5-504(a)(vi), (xiv), by creating new paragraphs (xv) and (xvi) and by renumbering (xv) as (xvii), 37-5-505(g)(intro) and 37-5-602(b), as created by 2019 Wyoming Session Laws, Chapter 34, Section 2, are amended to read:

37-5-501. Definitions.

(a) As used in this article:

(v) "Natural resource associated with energy" or "associated natural resource" means any technology or any substance, element or compound, either gaseous, liquid or solid, associated with the production, development, refining, processing, storage or transmission of energy;

37-5-502. Wyoming energy authority.

(b) The authority shall be governed by a board composed of seven (7) voting members appointed by the governor, with the advice and consent of the senate. Except as provided in

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this subsection, all voting members shall be appointed for four (4) year terms. The governor shall appoint four (4) initial voting board members to a term of four (4) years and shall appoint the remaining three (3) initial voting board members to a term of two (2) years. The governor may remove any member as provided in W.S. 9-1-202. Vacancies shall be filled by appointment by the governor in accordance with W.S. 28-12-101. The members shall elect from the membership a chairman, vice-chairman and secretary. A majority of the persons appointed and serving as members shall be qualified voters of the state of Wyoming. At least two (2) members of the board shall have special knowledge, education or experience in the field of energy or natural resource development, transmission, generation, transportation, financing or marketing, or a field related to industrial or municipal energy consumption. At least two (2) other members of the board shall have special knowledge, education or experience in the field of natural gas or oil production, transportation, marketing or industrial consumption. Members of the board may receive the same per diem, expenses and travel allowance as members of the legislature under W.S. 28-5-101 while in attendance at meetings of the board and while performing their duties as members of the board.

(c) The following persons shall serve as ex officio, nonvoting members of the board:

(i) A member of the Wyoming enhanced oil recovery commission-institute selected by the commission-director of the enhanced oil recovery institute;

(ii) The chairman-chief executive officer of the Wyoming business council or a designee;

(iv) The chairman-supervisor of the Wyoming oil and gas conservation commission or a designee;

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37-5-503. Purposes; report.

(a) The authority is created to:

(ix) Support efforts to use natural resources associated with energy for other applications and products including the use of coal for nonfuel products.

37-5-504. Powers of the authority.

(a) The authority may:

(vi) Receive by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the state of Wyoming, any political subdivision or any other public or private entity or any country in good standing with the United States subject to federal law;

(xiv) Advocate for or against or take legal action concerning any energy project before any regulatory body tasked with the oversight of the project;

(xv) Request data from any public or private entity that is necessary to ascertain the location of associated natural resources within the state;

(xvi) Conduct national and international marketing and technology research;

~~(xv)~~(xvii) Do any and all things necessary or proper for the development, regulation and accomplishment of the purposes of the authority within the limitations of authority granted by this article.

37-5-505. Bonds.

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(g) No board or commission other than the authority shall fix or supervise the making of fees and charges stated in this subsection, which shall be in amounts reasonably necessary for the purposes stated in this article. When the authority has issued bonds and pledged the revenues of the pipeline or other transportation or distribution system or facility or the energy transmission facility for the payment of the bonds as provided in this article, the authority shall operate and maintain or shall contract for the operation and maintenance of the system or facility and shall impose and collect fees and charges for the services furnished by the system or facility, including those furnished to the authority itself, in the amounts and at rates as shall be fully sufficient at all times to:

37-5-602. Authority revenue bonds; issuance; amount.

(b) The authority may issue and have outstanding bonds to finance energy transmission facilities and related infrastructure, pipeline and other transportation and distribution projects consistent with the purposes of W.S. 37-5-503(a), which may be located within or without the state of Wyoming, in an amount not to exceed three billion dollars (\$3,000,000,000.00). The financing of a pipeline or other transportation and distribution projects under this article may include or consist solely of the purchase of capacity by the authority as authorized by subsection (m) of this section.

Section 2. W.S. 37-5-602(a), as created by 2019 Wyoming Session Laws, Chapter 34, Section 2, is repealed.

Section 3.

(a) Notwithstanding 2019 Wyoming Session Laws, Chapter 34, Sections 2 and 6, the board of the Wyoming energy

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authority established in W.S. 37-5-502, as created by 2019 Wyoming Session Laws, Chapter 34, Section 2, is authorized to assemble and meet upon the effective date of this section. Before July 1, 2020, the board is authorized to meet and take actions for the following purposes:

(i) Develop priorities and a mission statement based on the purposes and duties of the Wyoming energy authority;

(ii) Hire staff to begin on July 1, 2020, including an executive director;

(iii) Complete administrative tasks necessary for the Wyoming energy authority to effectively function beginning on July 1, 2020, including determining a location and securing office space for the Wyoming energy authority and its staff.

(b) Members of the board may receive per diem, expenses and travel allowance for meetings held before July 1, 2020 as specified in W.S. 37-5-502(b), as created by 2019 Wyoming Session Laws, Chapter 34, Section 2.

(c) There is appropriated fifty thousand dollars (\$50,000.00) or as much thereof as is necessary from the general fund to the office of the governor. This appropriation shall be expended only for the purpose of funding expenditures and Wyoming energy authority board member per diem, expenses and travel allowances incurred by the board in carrying out the actions specified in subsection (a) of this section. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2021. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining

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from this appropriation shall revert as provided by law on
June 30, 2021.

Section 4.

(a) Except as provided in subsection (b) of this
section, this act is effective July 1, 2020.

(b) Sections 3 and 4 of this act are effective
immediately upon completion of all acts necessary for a bill
to become law as provided by Article 4, Section 8 of the
Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk