

HOUSE BILL NO. HB0003

Wyoming energy authority-amendments.

Sponsored by: Joint Minerals, Business & Economic Development
Interim Committee

A BILL

for

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

9

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

11

12 **Section 1.** W.S. 37-5-501(a)(v), 37-5-502(b),
13 (c)(intro), (i), (ii) and (iv), 37-5-503(a) by creating a new
14 paragraph (ix), 37-5-504(a)(vi), (xiv), by creating new
15 paragraphs (xv) and (xvi) and by renumbering (xv) as (xvii),

1 37-5-505(g)(intro) and 37-5-602(b), as created by 2019
2 Wyoming Session Laws, Chapter 34, Section 2, are amended to
3 read:

4

5 **37-5-501. Definitions.**

6

7 (a) As used in this article:

8

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

14

15 **37-5-502. Wyoming energy authority.**

16

17 (b) The authority shall be governed by a board composed
18 of seven (7) voting members appointed by the governor, with
19 the advice and consent of the senate. Except as provided in
20 this subsection, all voting members shall be appointed for
21 four (4) year terms. The governor shall appoint four (4)
22 initial voting board members to a term of four (4) years and
23 shall appoint the remaining three (3) initial voting board

1 members to a term of two (2) years. The governor may remove
2 any member as provided in W.S. 9-1-202. Vacancies shall be
3 filled by appointment by the governor in accordance with W.S.
4 28-12-101. The members shall elect from the membership a
5 chairman, vice-chairman and secretary. A majority of the
6 persons appointed and serving as members shall be qualified
7 voters of the state of Wyoming. At least two (2) members of
8 the board shall have special knowledge, education or
9 experience in the field of energy or natural resource
10 development, transmission, generation, transportation,
11 financing or marketing, or a field related to industrial or
12 municipal energy consumption. At least two (2) other members
13 of the board shall have special knowledge, education or
14 experience in the field of natural gas or oil production,
15 transportation, marketing or industrial consumption. Members
16 of the board may receive the same per diem, expenses and
17 travel allowance as members of the legislature under W.S.
18 28-5-101 while in attendance at meetings of the board and
19 while performing their duties as members of the board.

20

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

23

1 (i) A member of the Wyoming enhanced oil recovery
2 ~~commission~~institute selected by the ~~commission~~director of
3 the enhanced oil recovery institute;

4

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

7

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

10

11 **37-5-503. Purposes; report.**

12

13 (a) The authority is created to:

14

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

18

19 **37-5-504. Powers of the authority.**

20

21 (a) The authority may:

22

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

6
7 (xiv) Advocate for or against or take legal action
8 concerning any energy project before any regulatory body
9 tasked with the oversight of the project;

10
11 (xv) Request data from any public or private
12 entity that is necessary to ascertain the location of
13 associated natural resources within the state;

14
15 (xvi) Conduct national and international
16 marketing and technology research;

17
18 ~~(xv)~~(xvii) Do any and all things necessary or
19 proper for the development, regulation and accomplishment of
20 the purposes of the authority within the limitations of
21 authority granted by this article.

22
23 **37-5-505. Bonds.**

1

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

16

17 **37-5-602. Authority revenue bonds; issuance; amount.**

18

19 (b) The authority may issue and have outstanding bonds
20 to finance energy transmission facilities and related
21 infrastructure, pipeline and other transportation and
22 distribution projects consistent with the purposes of W.S.
23 37-5-503(a), which may be located within or without the state

1 of Wyoming, in an amount not to exceed three billion dollars
2 (\$3,000,000,000.00). The financing of a pipeline or other
3 transportation and distribution projects under this article
4 may include or consist solely of the purchase of capacity by
5 the authority as authorized by subsection (m) of this section.

6

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

9

10 **Section 3.**

11

12 (a) Notwithstanding 2019 Wyoming Session Laws, Chapter
13 34, Sections 2 and 6, the board of the Wyoming energy
14 authority established in W.S. 37-5-502, as created by 2019
15 Wyoming Session Laws, Chapter 34, Section 2, is authorized to
16 assemble and meet upon the effective date of this section.
17 Before July 1, 2020, the board is authorized to meet and take
18 actions for the following purposes:

19

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

23

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

3

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

9

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

14

15 (c) There is appropriated fifty thousand dollars
16 (\$50,000.00) or as much thereof as is necessary from the
17 general fund to the office of the governor. This appropriation
18 shall be expended only for the purpose of funding expenditures
19 and Wyoming energy authority board member per diem, expenses
20 and travel allowances incurred by the board in carrying out
21 the actions specified in subsection (a) of this section. This
22 appropriation shall be for the period beginning with the
23 effective date of this section and ending June 30, 2021. This

1 appropriation shall not be transferred or expended for any
2 other purpose and any unexpended, unobligated funds remaining
3 from this appropriation shall revert as provided by law on
4 June 30, 2021.

5

6 **Section 4.**

7

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

10

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

15

16

(END)