

HOUSE BILL NO. HB0210

Financial institution discrimination.

Sponsored by: Representative(s) Neiman, Angelos, Bear, Conrad, Haroldson, Heiner, Jennings, Knapp, Larson, JT, Locke, Ottman, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Strock, Ward, Winter and Wylie and Senator(s) Boner, Cooper, Driskill, Hicks, Kolb and Steinmetz

A BILL

for

1 AN ACT relating to banks, banking and finance; authorizing
2 the state treasurer to prepare and maintain a list of
3 financial institutions engaged in discrimination against
4 energy companies; authorizing the state treasurer to
5 publish the list upon vote of the board of deposits;
6 specifying requirements for the list; requiring notice to a
7 financial institution before being included on the list;
8 providing opportunity for a financial institution to be
9 removed from the list; requiring the state treasurer and
10 state auditor to refuse to enter into a banking contract
11 with a financial institution on the list once published;
12 providing definitions; and providing for an effective date.

13

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

2

3 **Section 1.** W.S. 13-10-401 through 13-10-405 are
4 created to read:

5

6

ARTICLE 4

7

RESTRICTED FINANCIAL INSTITUTION LIST

8

9 **13-10-401. Definitions.**

10

11 (a) As used in this article:

12

13 (i) "Banking contract" means a contract entered
14 into by the state treasurer or the state auditor and a
15 financial institution to provide banking services to the
16 state or any political subdivision thereof;

17

18 (ii) "Boycott of energy companies" means a
19 financial institution that, without a reasonable business
20 or financial purpose, discriminates against an energy
21 company because the company:

22

1 (A) Engages in the exploration, production,
2 use, transportation, sale or manufacturing of fossil
3 fuel-based energy;

4

5 (B) Engages in the exploration, production,
6 use, transportation, sale or manufacturing of fossil
7 fuel-based energy and does not commit or pledge to meet
8 environmental standards beyond applicable federal and state
9 law; or

10

11 (C) Does business with a company that
12 engages in the exploration, production, use,
13 transportation, sale or manufacturing of fossil fuel-based
14 energy.

15

16 (iii) "Company" means any sole proprietorship,
17 organization, association, corporation, partnership, joint
18 venture, limited partnership, limited liability
19 partnership, limited liability company or other entity or
20 business association, including all wholly owned
21 subsidiaries, majority-owned subsidiaries, parent companies
22 or affiliates of those entities or business associations,
23 which exist for the purpose of making profit;

1

2 (iv) "Discriminate" means as defined in W.S.
3 13-10-301(a)(ii);

4

5 (v) "Financial institution" means as defined in
6 W.S. 13-10-301(a)(iii);

7

8 (vi) "Reasonable business purpose" includes any
9 purpose directly related to:

10

11 (A) Promoting the financial success or
12 stability of a financial institution;

13

14 (B) Mitigating risk to a financial
15 institution;

16

17 (C) Complying with legal or regulatory
18 requirements; or

19

20 (D) Limiting liability of a financial
21 institution.

22

1 (vii) "Restricted financial institution" means a
2 financial institution included in the most recently updated
3 and posted restricted financial institution list;

4

5 (viii) "Restricted financial institution list"
6 means the list of financial institutions prepared,
7 maintained and published pursuant to this article.

8

9 **13-10-402. Restricted financial institutions list.**

10

11 (a) The state treasurer shall prepare and maintain a
12 list of financial institutions that are engaged in a
13 boycott of energy companies. The list prepared under this
14 subsection shall be known as the "restricted financial
15 institution list."

16

17 (b) The state treasurer shall submit a copy of the
18 list to the board of deposits, the president of the senate
19 and the speaker of the house of representatives. Upon an
20 affirmative vote by the board of deposits the state
21 treasurer shall publicly post the restricted financial
22 institution list on the treasurer's website.

23

1 (c) A citation to this article and a brief summary of
2 the purpose of the list shall appear at the top of the
3 list, including a statement that inclusion on the list is
4 neither an indication of unsafe or unsound operating
5 conditions of any financial institution nor an indication
6 of any risk to consumer deposits.

7

8 (d) The state treasurer shall update the restricted
9 financial institution list annually, or more often as the
10 treasurer considers necessary, and submit the list for
11 approval according to subsection (b) of this section.

12

13 **13-10-403. Notice to financial institutions.**

14

15 (a) Forty-five (45) days before including a financial
16 institution on the restricted financial institution list,
17 the state treasurer shall send a written notice to the
18 institution containing all the following information:

19

20 (i) That the state treasurer has determined that
21 the financial institution is a restricted financial
22 institution;

23

1 (ii) That the financial institution will be
2 placed on the restricted financial institution list in
3 forty-five (45) days unless, within thirty (30) days after
4 the receipt of the written notice, the restricted financial
5 institution demonstrates that it is not engaged in a
6 boycott of energy companies;

7

8 (iii) That the restricted financial institution
9 list is published on the state treasurer's website;

10

11 (iv) That the institution's placement on the
12 list may render the institution ineligible to enter into,
13 or renew, banking contracts with the state of Wyoming.

14

15 (b) After a restricted financial institution's
16 inclusion on the restricted financial institution list, the
17 state treasurer shall remove the institution from the list
18 if the institution demonstrates that it has ceased all
19 activity that boycotts energy companies.

20

21 **13-10-404. Sources of information.**

22

1 (a) In determining whether to include a financial
2 institution on the restricted financial institution list,
3 the state treasurer shall consider and may rely upon any of
4 the following information:

5

6 (i) A financial institution's attestation that
7 it is not engaged in a boycott of energy companies;

8

9 (ii) Publicly available statements or
10 information made by the financial institution, including
11 statements by a member of a financial institution's
12 governing body, an executive director of a financial
13 institution or any other officer or employee of the
14 financial institution with the authority to issue policy
15 statements on behalf of the financial institution;

16

17 (iii) Information published by a state or
18 federal government entity.

19

20 (b) In determining whether to include a financial
21 institution on the restricted financial institution list,
22 the state treasurer shall not rely solely on any of the
23 following information:

1

2 (i) Statements or complaints by an energy
3 company;

4

5 (ii) Media reports of a financial institution's
6 boycott of energy companies.

7

8 (c) A financial institution shall not be compelled to
9 produce or disclose any data or information deemed
10 confidential, privileged or otherwise protected from
11 disclosure by state or federal law.

12

13 **13-10-405. Restricted financial institutions.**

14

15 (a) The state treasurer and the state auditor shall
16 refuse to enter into a banking contract with a restricted
17 financial institution based on its restricted financial
18 institution status.

19

20 (b) The state treasurer and the state auditor shall
21 require, as a term of any banking contract, an agreement by
22 the financial institution not to engage in a boycott of
23 energy companies for the duration of the contract.

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2 **Section 2.** W.S. 13-10-301(a)(ii) by creating a new
3 subparagraph (D) and by renumbering (D) as (E) is amended
4 to read:

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6 **13-10-301. Definitions.**

7

8 (a) As used in this article:

9

10 (ii) "Discriminate" means to:

11

12 ~~(D)~~ Take action that is intended to
13 penalize, inflict economic harm on or limit commercial
14 relations with a company;

15

16 ~~(D)~~(E) Otherwise unlawfully discriminate
17 against a person.

18

19 **Section 3.** This act is effective July 1, 2023.

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21

(END)