

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Wyoming coal marketing program.

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

A BILL

for

1 AN ACT relating to energy and natural resources; creating the  
2 Wyoming coal marketing program; providing program standards  
3 and purposes; creating an account; authorizing the acceptance  
4 of donations; providing an appropriation; requiring  
5 rulemaking; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 9-23-101 and 9-23-102 are created to  
10 read:

11

12

CHAPTER 23

## 1 WYOMING COAL MARKETING PROGRAM

2  
3 **9-23-101. Wyoming coal marketing program; purposes.**  
4

5 (a) There is created the Wyoming coal marketing program  
6 to be administered by the governor. The purpose of the program  
7 is to protect and expand Wyoming's coal markets and coal  
8 facilities and to address impacts cities, towns and counties  
9 have experienced due to changes in the coal market.

10  
11 (b) The governor shall expend funds appropriated to the  
12 governor for operating the program only on the following:

13  
14 (i) Projects that expand and protect Wyoming's coal  
15 markets and coal facilities;

16  
17 (ii) Projects that address impacts cities, towns  
18 and counties have experienced due to changes in the coal  
19 market;

20  
21 (iii) Projects that help to diversify the economy  
22 in cities, towns and counties negatively impacted by changes  
23 in the coal market.

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4 STAFF COMMENT

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6 The Committee may wish to consider defining "project" to  
7 provide more parameters for expending the coal marketing  
8 funds.

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13 (c) No funds shall be provided for projects under this  
14 chapter without the written opinion of the attorney general  
15 certifying the legality of the transaction and all documents  
16 connected therewith.

17

18 **9-23-102. Wyoming coal marketing program account.**

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20 (a) There is created the Wyoming coal marketing program  
21 account. All funds in the account are continuously  
22 appropriated to the governor to be expended for the purposes  
23 of this chapter and as otherwise specified by law. The  
24 governor may expend funds in this account as provided in W.S.  
25 9-23-101. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-  
26 4-207, funds within the account shall not revert until further  
27 action of the legislature. Interest earned on funds in the  
28 account shall be deposited in the account.

1

2 (b) The governor may accept, and shall deposit in the  
3 account, any gifts, contributions, donations, grants or  
4 federal funds specifically designated for the benefit of the  
5 Wyoming coal marketing program or any project funded under  
6 the program.

7

8 **Section 2.** There is appropriated one million dollars  
9 (\$1,000,000.00) from the general fund to the coal marketing  
10 program account provided in W.S. 9-23-102, as created by  
11 Section 1 of this act. The governor shall only expend this  
12 appropriation for the Wyoming coal marketing program provided  
13 in W.S. 9-23-101, as created in Section 1 of this act.  
14 Notwithstanding any other provision of law, this  
15 appropriation shall not be transferred or expended for any  
16 other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and  
17 9-4-207(a), the funds appropriated under this section shall  
18 not lapse or revert until further action of the legislature.

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20 **Section 3.** The governor shall promulgate any rules  
21 necessary to implement the Wyoming coal marketing program.

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STAFF COMMENT

The Committee may wish to consider:

- This program would be codified; the Committee may wish to consider whether the program will continue beyond this biennium.
- Whether the funds appropriated are anticipated to be used for purposes beyond marketing, including loans or grants; if so, the Committee may wish to consider what additional parameters are necessary for the awarding of those funds. See Wyo. Const. art. 16, § 6 (prohibiting the state from loaning or giving credit to make donations and prohibiting works of internal improvement without a 2/3 vote of the people) and art. 3, § 36 (prohibiting appropriations to entities not under the absolute control of the state).
- Alternatively, the Committee may wish to consider whether grants for projects should be disbursed through the State Loan and Investment Board's process.
- Whether funds should revert at the end of the biennium or not (in the current draft, the funds would not revert at the end of the biennium).
- Whether a reporting requirement to this Committee is needed, and if so, what that requirement looks like.
- Whether additional standards should be included in statute for operating the program, or if it is sufficient to have the governor promulgate rules for operating the program and selecting projects to fund (as currently provided in the bill draft).

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Section 4.

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

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

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6

(END)