



HB0166

**Utilities-presumption against facility retirements.**

Sponsored By: Representative(s) Harshman, Barlow, Burkhart, Nicholas and Simpson and Senator(s) Anderson and Wasserburger

AN ACT relating to public utilities; creating a presumption against the retirement of electric generation facilities as specified; providing definitions related to the presumption; specifying how a public utility can rebut the presumption; limiting rate recovery for public utilities retiring electric generation facilities without rebutting the presumption as specified; requiring consideration of reliability before approving the retirement of an electric generation facility; requiring rulemaking; and providing for effective dates.

2/27/2021 Bill Number Assigned  
3/1/2021 H Received for Introduction  
3/3/2021 H Introduced and Referred to H09 - Minerals  
3/11/2021 H09 - Minerals:Recommend Amend and Do Pass 8-1-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Bear, Burkhart, Jr, Duncan, Eyre, Gray, Greear, Heiner, Western

**Nays:** Representative Sherwood

**Ayes 8 Nays 1 Excused 0 Absent 0 Conflicts 0**

3/11/2021 H Placed on General File

**HB0166HS001/ADOPTED**

That Substitute No. 1 for HB0166 DO PASS. GREEAR, CHAIRMAN

3/18/2021 H COW:Passed  
3/19/2021 H 2nd Reading:Passed  
3/22/2021 H 3rd Reading:Passed 49-10-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Baker, Barlow, Bear, Blackburn, Burkhart, Clausen, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Gray, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Simpson, Sommers, Stith, Styvar, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Zwonitzer

**Nays:** Representative(s) Banks, Brown, Burt, Clifford, Connolly, Provenza, Roscoe, Schwartz, Sherwood, Yin

**Excused:** Representative Macguire

**Ayes 49 Nays 10 Excused 1 Absent 0 Conflicts 0**

3/22/2021 S Received for Introduction  
3/22/2021 S Introduced and Referred to S09 - Minerals  
4/1/2021 S09 - Minerals:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Biteman, Cooper, Rothfuss, Wasserburger

**Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0**

4/1/2021 S Placed on General File

**HB0166SS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-above line 1 In the catch title, delete "early".

Page 1-line 2 Delete "early".

Page 1-line 6 Delete "closing" and insert "retiring".

Page 1-line 7 After "specified;" insert "requiring consideration of reliability before approving the retirement of an electric generation facility;".

Page 2-lines 6 through 10 Delete entirely and renumber as necessary.

Page 2-line 12 Delete "(ii)" and insert "(i)".

Page 2-line 13 Delete "and includes dispatchability".

Page 2-line 15 Delete "(iii)" and insert "(ii)"; after "Retirement" insert "or "retired"".

Page 2-line 17 After "Retirement" insert "or "retired"".

Page 3-line 1 Delete "(iv)" and insert "(iii)".

Page 3-line 6 Delete "(v)" and insert "(iv)".

Page 3-line 7 Delete "and includes reliability".

Page 3-after line 7 Insert and renumber as necessary:

"(b) Before authorizing or approving the retirement of an electric generation facility as proposed in a rate case, integrated resource plan or other submission to the commission, the commission shall consider the effect on available reliable, dispatchable electricity to Wyoming customers and the impact that any shortage of available energy nationwide may have on Wyoming customers.".

Page 3-line 9 Delete "(b)" and insert "(c)".

Page 3-line 10 Delete "early".

Page 3-line 12 Delete "the public utility".

Page 3-lines 13 and 14 Delete entirely and insert "the presumption created by this subsection is rebutted by evidence deemed sufficient by the commission to establish that:".

Page 3-line 16 Delete "Significant".

Page 3-line 17 Delete "early".

Page 3-line 20 Delete "early".

Page 3-line 21 Delete "baseload electricity that is".

Page 3-line 22           After "dispatchable" insert "capacity to serve Wyoming customers".

Page 4-line 1            Delete "early".

Page 4-line 3            Delete "The commission".

Page 4-lines 4 through 6           Delete entirely.

Page 4-line 8            Delete "(c)" and insert "(d)".

Page 4-line 13           Delete "(d)" and insert "(e)".

Page 4-line 15           Delete "early".

Page 4-lines 21 through 23       Delete entirely.

Page 5-lines 1 through 6           Delete entirely and insert:

"(a) As used in this section, "retirement" or "retired" means as defined in W.S. 37-2-134(a)(ii).".

Page 5-line 12           Delete "new noncoal or nonnatural gas".

Page 5-line 16           Delete "early". ANDERSON, CHAIRMAN

4/1/2021       S COW:Passed  
4/2/2021       S 2nd Reading:Passed  
4/2/2021       S 3rd Reading:Passed 25-2-2-0-1

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Biteman, Bouchard, Cooper, Dockstader, Driskill, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Pappas, Perkins, Rothfuss, Salazar, Scott, Steinmetz, Wasserburger

**Nays:** Senator(s) Case, Nethercott

**Excused:** Senator(s) Boner, Schuler

**Conflicts:** Senator Ellis

**Ayes 25    Nays 2    Excused 2    Absent 0    Conflicts 1**

4/6/2021       H Received for Concurrence  
4/6/2021       H Concur:Passed 49-8-3-0-0

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Baker, Barlow, Bear, Blackburn, Brown, Burkhart, Clausen, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Gray, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Simpson, Sommers, Stith, Styvar, Sweeney, Walters, Washut, Western, Wharff, Wilson, Winter, Zwonitzer

**Nays:** Representative(s) Banks, Clifford, Connolly, Provenza, Roscoe, Schwartz, Sherwood, Yin

**Excused:** Representative(s) Burt, Greear, Williams

**Ayes 49    Nays 8    Excused 3    Absent 0    Conflicts 0**

4/6/2021       Assigned Number HEA No. 0088

4/6/2021 H Speaker Signed HEA No. 0088  
4/6/2021 S President Signed HEA No. 0088  
4/14/2021 Governor Signed HEA No. 0088  
4/14/2021 Assigned Chapter Number 154

Chapter No. 154 Session Laws of Wyoming 2021