



SF0142

Carbon capture and sequestration.

Sponsored By: Senator(s) Scott, Barlow, Boner, Dockstader and Landen and Representative(s) Allemand, Allred, Banks, Berger, Chadwick, Haroldson, Harshman, Heiner, Olsen, Strock, Walters and Zwonitzer, Dn

AN ACT relating to public utilities; providing requirements for the capture and use of carbon dioxide from coal-fired electric generation facilities; requiring public utilities to offer coal-fired electric generation facilities for sale for purposes of carbon capture for enhanced oil and gas recovery; specifying requirements for the sale of byproducts from carbon dioxide streams; specifying purposes; seeking to identify already incurred liabilities for decommissioning and cleanup of coal-fired electric generation facilities as specified; specifying intent for the reduction of waste of carbon dioxide; providing penalties for violations; providing definitions; making conforming amendments; requiring rulemaking; requiring studies; requiring reports; specifying applicability; and providing for an effective date.

1/18/2023 Bill Number Assigned
1/19/2023 S Received for Introduction
1/20/2023 S Introduced and Referred to S09 - Minerals
1/20/2023 :Refer to S07 - Corporations
2/3/2023 S07 - Corporations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Barlow, Boner, Case, Landen, Scott
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/3/2023 S Placed on General File

SF0142SS001/ADOPTED

Page 1-line 8 Delete "requiring bonding for" and insert "seeking to identify"; after "incurred" delete "and future".

Page 2-line 6 Delete "37-18-209" and insert "37-18-208".

Page 2-line 23 Delete "facility" and insert "unit".

Page 3-line 3 After "purchases" delete balance of line.

Page 3-line 4 Delete "realistic prospect of purchasing" and insert "or seeks to purchase".

Page 3-line 5 Delete "facility" and insert "unit".

Page 3-line 11 Delete "or person".

Page 3-lines 15 through 18 Delete entirely and insert:
"(B) A carbon capture customer;".

Page 4-line 4 Delete entirely.

Page 4-line 10 Before "customer" delete "dioxide" and insert "capture".

Page 4-after line 17 Insert and renumber as necessary:

"(vi) Coal-fired electric generation unit" means a unit of not less than three hundred (300) megawatts that uses coal to generate electricity;".

Page 4-line 19 Delete "(vi)" and insert "(vii)".

Page 4-line 22 Delete "(vii)" and insert "(viii)".

Page 5-line 8 After "product" insert ". "Marginal cost" shall include the recovery of investments in producing the principal product that are required to produce the byproduct but that are not required to continue to produce the primary product".

Page 5-line 10 Delete "(viii)" and insert "(ix)".

Page 5-line 16 After "takings" delete balance of line and insert ";".

Page 5-lines 17 through 20 Delete entirely.

Page 5-line 22 Delete "(ix)" and insert "(x)".

Page 6-lines 5 through 8 Delete entirely.

Page 6-line 19 After "commission" delete balance of line.

Page 6-line 20 Delete "this article".

Page 8-line 11 Delete "Give" and insert "Provide"; delete "not associated with".

Page 8-line 12 Delete "Wyoming government".

Page 8-line 21 After "recovery" delete "to".

Page 8-line 22 Delete "be in the" and insert "as a factor in its"; after "interest" insert "determination".

Page 8-after line 22 Insert:

"(c) Nothing in this article shall be construed to supersede or alter the provisions of W.S. 35-11-313 through 35-11-320."

Page 9-line 4 Before "Except" insert "(a)"; after "subsection" delete ";" and insert ",".

Page 9-after line 20 Insert:

"(b) The prohibition in subsection (a) of this section shall not apply to the conversion of a coal-fired electric generation unit to natural gas if the commission determines that it is in the public interest to convert the unit rather than maintaining its availability for carbon capture.

(c) Before January 1, 2024, each electric public utility that owns, leases or controls a coal-fired electric generation facility or unit in Wyoming shall provide a report and plan to the commission detailing how the public utility intends to operate and maintain its coal-fired electric generation facilities or units in Wyoming so that the facility or unit may be potentially augmented with carbon capture, utilization and sequestration technology in the future and the steps the public utility will take to avoid unreasonably causing carbon capture, utilization and sequestration technologies to be more expensive to implement in the future. The commission shall review each report submitted under this subsection and, if the commission determines the report and plan to be deficient or unreasonable, may order the public utility to take any actions as may be in the public interest and consistent with the objective of preserving the ability of Wyoming coal-fired electric generation units or facilities to be augmented in the future with carbon capture, utilization and sequestration technologies."

- Page 9-line 23 Delete "**bonding requirements**";".
- Page 10-line 4 After "(a)" delete balance of line and insert "This section shall apply to".
- Page 10-line 5 After "unit" insert ", regardless of size,".
- Page 10-line 6 Delete "specified" and insert "identified".
- Page 10-line 8 After "2022" delete balance of line and insert ".".
- Page 10-lines 9 through 19 Delete entirely.
- Page 10-line 20 Delete "cover" and insert "This section shall apply to"; delete "net".
- Page 11-line 2 Delete ";" and insert ".".
- Page 11-lines 4 through 22 Delete entirely.
- Page 12-lines 1 through 11 Delete entirely.
- Page 13-line 8 After "shall be" insert "identified."
- Page 13-lines 9 through 14 Delete entirely and insert "The commission shall prepare a report based on the analysis performed in accordance with this subsection. When a draft report is available, the commission shall hold a hearing. Not later than October 1, 2023, the commission shall report to the joint corporations, elections and political subdivisions interim committee on the progress of the analysis required by this section and if any legislative action is needed to adequately complete this analysis."
- Page 13-line 16 After "(c)" delete balance of line.
- Page 13-line 17 Delete line through "article,".

Page 13-line 18 Delete "shall' and insert "may".

Page 13-line 19 After "unit" insert "and if necessary given the legal rights and desires of the public utility".

Page 13-line 22 Delete "For facilities".

Page 13-line 23 Delete entirely.

Pages 14 through 16 Delete entirely.

Page 17-line 1 Delete "(v)" and insert "(d)".

Page 17-line 9 Delete "subsection;" and insert "section.".

Page 17-line 11 Delete "(vi)" and insert "(e)"

Page 17-line 12 Delete "subsection" and insert "section".

Page 17-line 13 Delete "paragraph" and insert "subsection".

Page 17-lines 16 through 23 Delete entirely.

Page 18 Delete entirely.

Page 19-line 5 Delete "facility or"; delete "with a".

Page 19-line 6 Delete entirely.

Page 19-line 7 Delete entirely and insert "shall close or retire a"

Page 19-line 8 Delete "facility or".

Page 19-line 12 Delete "the facility or unit" and insert "a coal-fired electric generation unit".

Page 19-line 13 Delete "or facility".

Page 20-line 5 Delete "facility" and insert "unit".

Page 20-line 6 Delete "facility" and insert "unit".

Page 20-line 7 Delete "facility" and insert "unit".

Page 20-line 15 Delete "five (5) days." and insert "ten (10) days, subject to the following:".

Page 20-after line 15 Insert:

"(i) Public utilities required to offer a coal-fired electric generation unit for sale under this section shall not be subject to the requirements of W.S. 37-3-117 unless expressly provided in this article;

(ii) In determining whether a public utility has made a good-faith effort to sell a facility, the commission shall rely on the factors specified in W.S. 37-3-117(b).".

Page 20-line 18 Delete "facility or" and insert "coal-fired electric generation".

Page 21-line 2 Delete "facility" and insert "unit".

Page 21-line 3 Delete "facility" and insert "unit".

Page 21-line 6 Delete "post" and insert "publish".

Page 21-line 11 Delete "facility" and insert "unit".

Page 22-line 6 Delete "facility or".

Page 22-line 11 Delete "used by the facility".

Page 22-line 12 Delete "facility" and insert "unit".

Page 22-lines 22 and 23 Delete entirely and insert "coal-fired electric generation unit.".

Page 23-line 3 Delete "37-3-117 in" and insert "37-2-134.".

Page 23-line 4 Delete entirely.

Page 23-line 16 Delete "thirty-five".

Page 23-line 17 Delete "percent (35%)" and insert "ten percent (10%)".

Page 24-line 5 After "unit" delete "," and insert ".".

Page 24-lines 6 through 23 Delete entirely.

Page 25-lines 1 and 2 Delete entirely.

Page 25-line 4 Delete "(D)".

Page 25-lines 8 through 11 Delete entirely and renumber as necessary.

Page 25-line 13 Delete "(j)" and insert "(h)".

Page 25-line 15 Delete "facility" and insert "unit".

Page 25-after line 19 Insert and renumber as necessary:

"(ii) Consider the factors specified in W.S. 37-3-117(c);".

Page 25-line 21 Delete "(ii)" and insert "(iii)"; delete "traditional public utility".

Page 25-line 22 Delete line through "concerns and".

Page 26-line 4 Delete "(iii)" and insert "(iv)".

Page 26-line 7 Delete "facility" and insert "unit".

Page 26-line 11 Delete "(iv)" and insert "(v)"; delete "facility" and insert "unit".

Page 26-line 17 Delete "(v)" and insert "(vi)"; after "paragraph" delete "(iv)" and insert "(v)".

Page 27-line 1 Delete "(vi)" and insert "(vii)".

Page 27-line 2 Delete "facility" and insert "unit".

Page 27-line 4 Delete "facility or".

Page 27-line 7 Delete "(k)" and insert "(j)".

Page 27-line 9 Delete "facility" and insert "unit".

Page 28-line 2 Delete "facility" and insert "unit".

Page 28-line 9 Delete "facility" and insert "unit".

Page 28-after line 11 Insert:

"(k) The commission shall not approve a purchase agreement that does not comply with the requirements of W.S. 37-3-117(e).".

Page 28-line 22 Delete "facility" and insert "unit".

Page 29-line 9 After "party," delete balance of line.

Page 29-lines 10 and 11 Delete entirely and insert "determine if the public utility complied with subsection (a) of this section.".

Page 29-lines 13 through 22 Delete entirely and renumber as necessary.

Page 30 Delete entirely, insert and renumber as necessary:

"(c) Any public utility selling a coal-fired electric generation unit under W.S. 37-18-205 or a carbon dioxide stream under this section to a carbon capture customer may request the commission determine whether the public utility's actions satisfy the utility's obligation to produce dispatchable and reliable low-carbon electricity under W.S. 37-18-102.".

Page 32-line 2 After "barrel" insert "for a period of not less than thirty (30) consecutive days".

Page 32-line 6 Delete "facility" and insert "unit".

Page 32-line 9 Delete "facility" and insert "unit".

Page 33-line 6 After "purposes" insert ", provided that the venting is reported to the commission within ten (10) days".

Page 33-line 9 After "disaster" insert ", provided that the releases are reported to the commission within ten (10) days".

Page 33-line 21 Delete "or to another person".

Page 38-lines 8 through 18 Delete entirely.

Page 38-line 20 Delete "37-2-133 by".

Page 38-line 21 Delete line through "(j),".

Page 39-lines 17 through 23 Delete entirely.

Page 40-lines 1 through 4 Delete entirely.

Page 40-line 17 Delete "37-18-209" and insert "37-18-208".

Page 40-line 22 Delete "37-18-209" and insert "37-18-208".

To the extent required by this amendment, renumber as necessary. CASE, CHAIRMAN

2/6/2023 S COW:Passed

2/7/2023 S 2nd Reading:Passed

SF0142S3001/ADOPTED

Page 41-line 19 After "(a)" insert "The public service commission, in consultation with"; after "quality" insert ",,".

Page 42-lines 4 Delete "The public service commission shall".

Page 42-lines 5 and 6 Delete entirely.

Page 42-line 8 After "(b)" delete balance of line.

Page 42-lines 9 and 10 Delete entirely.

Page 42-line 11 Delete "commission.".

Page 42-line 15 After "(c)" insert "The public service commission and".

Page 42-line 22 Delete "preliminary".

Page 42-line 23 After "section" insert ". The report and status update shall include recommendations for an appropriation and a timeline for completion of the final report for the study".

Page 43-lines 2 through 4 Delete entirely. CASE

2/8/2023 S 3rd Reading:Passed 25-6-0-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Barlow, Biteman, Boner, Brennan, Case, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Ide, Jones, Kinskey, Kolb, Landen, Mckeown, Nethercott, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Nays: Senator(s) Anderson, Bouchard, Cooper, Hutchings, Laursen, Pappas

Ayes 25 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 0

2/8/2023	H Received for Introduction
2/14/2023	H Introduced and Referred to H02 - Appropriations
2/24/2023	H No report prior to CoW Cutoff
2/24/2023	H:Died in Committee Returned Bill Pursuant to HR 5-4