

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

State power accountability and reliability.

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

A BILL

for

1 AN ACT relating to environmental quality; restricting the
2 implementation of carbon dioxide emissions regulations
3 pursuant to the clean power plan; providing for submittal
4 of an initial state implementation plan to the United
5 States environmental protection agency as specified;
6 providing for a delayed effective date for the regulations
7 as specified; providing conditions under which the state
8 shall obtain and maintain primacy over carbon dioxide
9 emission regulations under the clean power plan as
10 specified; providing conditions under which the department
11 may submit a final state implementation plan for United
12 States environmental protection agency approval; providing

1 for a contingent repeal of the authority granted; providing
2 definitions; and providing for an effective date.

3
4 *Be It Enacted by the Legislature of the State of Wyoming:*

5
6 **Section 1.** W.S. 35-11-215 is created to read:

7
8 **35-11-215. Restrictions on state regulations related**
9 **to the clean power plan.**

10
11 (a) Except as provided in this section, no agency or
12 instrumentality of the state of Wyoming shall implement
13 rules or regulations limiting carbon dioxide emissions from
14 existing stationary sources to comply with the clean power
15 plan except upon the occurrence of one (1) of the following
16 events:

17
18 (i) The legislature enacts legislation apart
19 from this section authorizing the department to submit a
20 final state implementation plan providing for regulation of
21 carbon dioxide emissions pursuant to the clean power plan
22 to the United States environmental protection agency for
23 approval; or

1

2 (ii) A federal court issues a final judgment on
3 the merits of an action upholding the legality of the clean
4 power plan.

5

6 (b) Final regulations prohibited under this section,
7 unless otherwise specifically authorized in Wyoming
8 statutes, and except as provided in this section, include,
9 but are not limited to:

10

11 (i) Establishing, mandating or otherwise
12 regulating electric dispatch protocols;

13

14 (ii) Establishing, mandating or otherwise
15 requiring a particular fossil fuel as a feedstock in an
16 electric generating facility;

17

18 (iii) Requiring the purchase or acquisition of
19 electricity produced through renewable energy sources by
20 any person, including electric generating utilities;

21

1 (iv) Requiring or establishing any energy
2 savings or energy reduction goals for any person, including
3 electric generating utilities; and
4

5 (v) Implementing a carbon dioxide or energy
6 credit or allowance trading program, including
7 participating in multi-state plans.
8

9 (c) The department, in consultation with the public
10 service commission, may submit an initial Wyoming state
11 implementation plan to comply with the clean power plan to
12 the extent necessary to obtain an extension of time to
13 submit a final Wyoming state implementation plan. Pursuant
14 to the provisions of W.S. 16-3-104(b)(i), the regulations
15 promulgated and adopted pursuant to the authority granted
16 in this subsection shall be effective on the date the
17 department is authorized to submit an amended state
18 implementation plan to the United States environmental
19 protection agency as provided by subsection (a) of this
20 section.
21

22 (d) In no event shall any regulations limiting carbon
23 dioxide emissions promulgated pursuant to this section be

1 more stringent than those imposed or required by federal
2 law.

3
4 (e) Subsections (a) through (d) of this section and
5 the authority granted in subsection (a) of this section to
6 implement carbon dioxide emission regulation pursuant to
7 the clean power plan are repealed upon the occurrence of
8 any one (1) of the following events:

9
10 (i) The United States congress enacts a law
11 prohibiting the United States environmental protection
12 agency from regulating carbon dioxide emissions under
13 section 111(d) of the Clean Air Act of 1977, as amended; or

14
15 (ii) A federal court issues a final judgment
16 prohibiting the United States environmental protection
17 agency from regulating carbon dioxide emissions under
18 section 111(d) of the Clean Air Act of 1977, as amended.

19
20 (f) The governor shall certify to the secretary of
21 state the occurrence of any act which:

22

1 (i) Authorizes the department to submit a final
2 Wyoming state implementation plan to the United States
3 environmental protection agency thereby rendering
4 regulations adopted pursuant to this section effective.
5 The certification shall identify the date the department
6 was authorized to submit a final Wyoming state
7 implementation plan; or

8
9 (ii) Repeals subsections (a) through (d) of this
10 section pursuant to subsection (e) of this section. The
11 effective date of such repeal of subsections (a) through
12 (d) of this section shall be the date the governor's
13 certification is filed with the secretary of state.

14
15 (g) As used in this section:

16
17 (i) "Clean power plan" means regulations adopted
18 by the United States environmental protection agency
19 pursuant to section 111(d) of the Clean Air Act of 1977, 42
20 U.S.C. Section 7411(d) and codified in 40 code of federal
21 regulations, part 60;

22

1 (ii) "Final judgment" means a judgment issued
2 by a federal court that is no longer subject to potential
3 or ongoing appeal to any federal court with jurisdiction
4 over the court judgment.

7 **Section 2.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

12 (END)