



Wyoming Legislature Authorizes Suits Against Colorado and Other States

The Prospective Claims: States “Impermissibly” Impede the Export of Wyoming Coal and Force Closure of Coal-Fired Power Plants

Colorado (as only one example of many states) is working to reduce its reliance on coal and other fossil fuels for its electricity and transportation needs. Colorado plans to transition to 100 percent clean electricity generation by 2040 and rapidly expand the electrification of vehicles.

As the foundation for implementing these policies, and in May 2019, Colorado Governor Polis unveiled the administration’s [Roadmap](#) to 100% Renewable Energy by 2040 and Bold Climate Action. The roadmap details directions, policies and actions Colorado is taking to ensure a “clean energy future.”

Feeling the pinch on the coal industry of actions by states and other entities, the state legislature in Wyoming (recognized as the largest producer of coal in the country) is fighting back. The state legislature has recently appropriated \$1.2 million from its general fund for the Governor to use for lawsuits against Colorado and other states whose policies hamper the use of Wyoming coal.

Specifically, [HB0207](#) appropriates:

[O]ne million two hundred thousand dollars (\$1,200,000.00) from the general fund to the office of the governor **for purposes of commencing and prosecuting lawsuits against other states and other states’ agencies that enact and enforce laws, regulations or other actions that impermissibly impede Wyoming’s ability to export coal or that cause the early retirement of coal-fired generation facilities located in Wyoming.** This appropriation shall be for the

period beginning with the effective date of this act and ending June 30, 2030.
[Emphasis added.]

Hurdles for this type of lawsuit? The mind boggles.

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