



SF0132

**Wind energy facilities-military approval.**

Sponsored By: Senator(s) Boner and Nethercott and Representative(s) Lindholm and Olsen

AN ACT relating to planning and zoning; requiring military review and approval before construction of wind energy facilities; amending permit application requirements; and providing for an effective date.

2/12/2020 Bill Number Assigned  
2/13/2020 S Received for Introduction  
2/14/2020 S Introduced and Referred to S07 - Corporations 30-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Ayes** 30    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

2/21/2020 S07 - Corporations:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Case, Landen, Nethercott, Schuler, Scott

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

2/21/2020 S Placed on General File

**SF0132SS001/WITHDRAWN**

**SF0132SW001/ADOPTED**

Delete the Senate standing committee amendment (SF0132SS001/A) entirely and further amend as follows:

Page 1-line 8 After "18-5-503(a)(i)" insert "," and delete "and".

Page 1-line 9 After "(d)" insert "and 35-12-106 by creating a new subsection (g)".

Page 2-line 7 After "facility," insert "to the military installation commander or the commander's designee if there are any active federal military missile launch or control facilities within five (5) miles of the proposed facility, to the department of transportation"; reinsert stricken "and".

Page 2-line 8 Delete "and to the military".

Page 2-lines 9 through 11 Delete entirely and insert ". Notice".

Page 2-lines 19 through 23 Delete entirely.

Page 3-lines 1 through 6 Delete entirely and insert:

"(d) For a permit granted for a wind energy facility under this article, there shall be no vertical construction of a wind turbine within two (2) nautical

miles of any active federal military missile launch or control facility, unless the owner or developer of the wind energy facility first obtains and furnishes documentation to the board of county commissioners of:

(i) A written determination of no adverse impact on nuclear security operations from the military installation commander or the commander's designee. The determination shall not be unreasonably withheld or denied;

(ii) A determination of no hazard from the federal aviation administration; and

(iii) Documentation from the federal military aviation and installation assurance siting clearinghouse that resolves any potential adverse impact on military operations and readiness and that commits to implement required mitigation measures."

Page 3-after line 6                      Insert:

**"35-12-106. Permit from council required prior to commencing construction of facility; electronic permitting; amendments; exceptions; federal requirements.**

(g) For a permit issued for a facility meeting the definition of W.S. 35-12-102(a)(vii)(E), there shall be no vertical construction of a wind turbine within two (2) nautical miles of any active federal military missile launch or control facility, unless the owner or developer of the facility first obtains and furnishes documentation to the division of:

(i) A written determination of no adverse impact on nuclear security operations from the military installation commander or the commander's designee. The determination shall not be unreasonably withheld or denied;

(ii) A determination of no hazard from the federal aviation administration; and

(iii) Documentation from the federal military aviation and installation assurance siting clearinghouse that resolves any potential adverse impact on military operations and readiness and that commits to implement required mitigation measures." NETHERCOTT, BONER

2/25/2020      S COW:Passed  
2/26/2020      S 2nd Reading:Passed  
2/27/2020      S 3rd Reading:Passed 29-0-0-0-1

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Conflicts:** Senator Ellis

**Ayes 29      Nays 0      Excused 0      Absent 0      Conflicts 1**

3/2/2020      H Received for Introduction  
3/3/2020      H Introduced and Referred to H08 - Transportation  
3/6/2020      H08 - Transportation:Recommend Amend and Do Pass 7-2-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Blake, Brown, Crank, Loucks, Macguire, Newsome, Western

**Nays:** Representative(s) Eklund, Obermueller

**Ayes** 7    **Nays** 2    **Excused** 0    **Absent** 0    **Conflicts** 0

3/6/2020    H Placed on General File

3/10/2020    H COW:H Did not consider for COW