

## HOUSE BILL NO. HB0040

Industrial siting revisions.

Sponsored by: Representative(s) Heiner, Eyre, Simpson,  
Sommers and Styvar and Senator(s) Baldwin

A BILL

for

1 AN ACT relating to industrial development and siting;  
2 revising the definition of affected landowners; providing  
3 that affected landowners receive notice of proposed  
4 industrial facilities; providing for other requirements  
5 related to affected landowners; modifying the waiver of  
6 permit application requirements; specifying applicability;  
7 and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-12-102(a)(xv), 35-12-107(b)(xii),  
12 (xv), (c)(i), (d)(ii), (f), (g)(ii), (h)(ii) and (j)(ii),  
13 35-12-109(a)(xxii) and 35-12-110(a)(i), (f)(ii) and  
14 (g)(intro) are amended to read:

15

1           **35-12-102. Definitions.**

2

3           (a) As used in this chapter:

4

5                   (xv) "Affected landowner" means any person  
6 holding record title to land ~~on which~~ within a two (2) mile  
7 radius of where any portion of a ~~commercial~~ facility  
8 ~~generating electricity from wind or solar~~ is proposed to be  
9 constructed and including any portion of any collector  
10 system located on those same lands. For purposes of this  
11 chapter, an affected landowner may be represented by any  
12 designated person.

13

14           **35-12-107. Request for waiver of permit application;**  
15 **form.**

16

17           (b) A request for a waiver shall be filed with the  
18 division, in a form as prescribed by council rules and  
19 regulations, and shall contain the following information:

20

21                   (xii) Certification that the governing bodies of  
22 all local governments within the potentially impacted area  
23 and all affected landowners were provided notification, a

1 description of the proposed project and an opportunity to  
2 ask the applicant questions at least thirty (30) days prior  
3 to submission of the application;

4

5 (xv) For all proposed facilities, ~~meeting the~~  
6 ~~requirements of W.S. 35-12-102(a)(vii)(E), (F) or (G),~~ a  
7 list of all affected landowners with an address at which  
8 each affected landowner can be given the notices required  
9 by this act.

10

11 (c) Not more than seven (7) days following receipt of  
12 a request for a waiver, the director shall:

13

14 (i) Serve notice of the request upon the  
15 governing bodies of local governments which will be  
16 primarily affected by the proposed facility and, ~~for~~  
17 ~~proposed facilities meeting the requirements of W.S.~~  
18 ~~35-12-102(a)(vii)(E), (F) or (G),~~ upon affected landowners;

19

20 (d) Not more than fourteen (14) days following  
21 receipt of a request, the director shall:

22

1           (ii) Notify the applicant, ~~and~~ local governments  
2 and affected landowners of the meeting; ~~and, for proposed~~  
3 ~~facilities meeting the requirements of W.S.~~  
4 ~~35-12-102(a)(vii)(E), (F) or (G), notify affected~~  
5 ~~landowners;~~

6  
7           (f) Within fourteen (14) days of the public meeting,  
8 the applicant shall meet with the director, ~~and~~ each local  
9 government affected by the proposed facility and affected  
10 landowners to determine the mitigation required to minimize  
11 any adverse impacts resulting from the proposed facility.

12  
13           (g) Not more than fifty (50) days following receipt  
14 of a request, the director shall:

15  
16           (ii) Notify the applicant, ~~and~~ local governments  
17 and affected landowners of the hearing; ~~and, for proposed~~  
18 ~~facilities meeting the requirements of W.S.~~  
19 ~~35-12-102(a)(vii)(E), (F) or (G), notify affected~~  
20 ~~landowners;~~

21  
22           (h) The applicant shall present any evidence  
23 necessary to demonstrate to the council:

1

2 (ii) That the applicant has reached agreement  
3 with affected landowners and local governments affected by  
4 the facility on the mitigation required to alleviate  
5 adverse effects resulting from the facility; and

6

7 (j) Within ten (10) days from the date of completion  
8 of the hearing the council shall make complete findings,  
9 issue an opinion and render a decision upon the record,  
10 either granting or denying the request for a waiver. The  
11 council shall grant a request for a waiver either as  
12 proposed or as modified by the council if it finds and  
13 determines that:

14

15 (ii) The applicant has discussed the proposed  
16 facility with affected landowners and all local governments  
17 potentially affected by the project;

18

19 **35-12-109. Application for permit; form; fee;**  
20 **financial accounting.**

21

1 (a) An application for a permit shall be filed with  
2 the division, in a form as prescribed by council rules and  
3 regulations, and shall contain the following information:  
4

5 (xxii) For all proposed facilities, ~~meeting the~~  
6 ~~requirements of W.S. 35-12-102(a)(vii)(E), (F) or (G),~~ a  
7 list of all affected landowners with an address at which  
8 each affected landowner can be given the notices required  
9 by this act.

10

11 **35-12-110. Service of notice of application;**  
12 **information and recommendations; application deficiencies;**  
13 **procedure; jurisdiction; hearing.**

14

15 (a) Not more than ten (10) days following receipt of  
16 an application for a permit, the director shall:  
17

18

19 (i) Serve an electronic or physical copy of the  
20 application upon affected landowners and the governing  
21 bodies of local governments which will be primarily  
22 affected by the proposed facility together with notice of  
23 the applicable provisions of W.S. 35-12-111; ~~and, for~~  
~~proposed facilities meeting the requirements of W.S.~~

1 ~~35-12-102(a)(vii)(E), (F) or (G), serve a copy of the~~  
2 ~~application with notice of the applicable provisions of~~  
3 ~~W.S. 35-12-111 upon affected landowners;~~

4  
5 (f) Not more than ninety (90) days after receipt of  
6 an application for a permit, the director shall:

7  
8 (ii) Notify the applicant, affected landowners  
9 and local governments of the hearing; ~~and, for proposed~~  
10 ~~facilities meeting the requirements of W.S.~~  
11 ~~35-12-102(a)(vii)(E), (F) or (G), notify affected~~  
12 ~~landowners;~~

13  
14 (g) For all proposed facilities: ~~meeting the~~  
15 ~~requirements of W.S. 35-12-102(a)(vii)(E), (F) or (G);~~

16  
17 **Section 2.** This act shall apply to applications filed  
18 with the division on or after July 1, 2021.

19  
20 **Section 3.** This act is effective July 1, 2021.

21  
22 (END)