

SENATE FILE NO. SF0183

Moratorium-solar and wind projects.

Sponsored by: Senator(s) Hicks, Case and Steinmetz

A BILL

for

1 AN ACT relating to public health and safety; prohibiting  
2 the initiation or expansion of solar and wind energy  
3 facilities as specified; providing definitions; making  
4 conforming amendments; specifying applicability; providing  
5 a sunset date; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-11-2201 is created to read:

10

11

ARTICLE 22

12

PROHIBITION ON WIND AND SOLAR ENERGY FACILITY PROJECTS

13

14 **35-11-2201. Prohibition on new solar and wind**  
15 **projects; definitions; legislative findings; repeal; sunset**  
16 **date.**

1

2 (a) As used in this article:

3

4 (i) "Solar energy facility" means as defined by  
5 W.S. 18-5-501(a)(vi) and shall not include a net metering  
6 system as defined by W.S. 37-16-101(a)(viii);

7

8 (ii) "Wind energy facility" means as defined by  
9 W.S. 18-5-501(a)(ii) and shall not include a net metering  
10 system as defined by W.S. 37-16-101(a)(viii).

11

12 (b) Beginning the effective date of this act, no  
13 person shall initiate or expand a wind energy facility or  
14 solar energy facility project within the state. The  
15 prohibition imposed by this subsection shall end June 30,  
16 2030.

17

18 (c) This article is repealed June 30, 2030 unless the  
19 legislature takes further action.

20

21 **Section 2.** W.S. 1-26-815(d), 18-5-502(a), (d) and  
22 (e), 34-22-105(a)(intro), 34-27-103(a) and (f),

1 35-12-102(a)(vii)(E)(intro) and (G)(intro), 35-12-106(a)  
2 and 35-12-115(a)(intro) are amended to read:

3  
4 **1-26-815. Right of eminent domain granted; ways of**  
5 **necessity for authorized businesses; purposes; extent.**

6  
7 (d) Subject to the moratorium on wind and solar  
8 energy facilities under W.S. 35-11-2201, no person  
9 qualified to exercise the condemnation authority granted by  
10 this section, ~~except a public utility that has been granted~~  
11 ~~a certificate of public convenience and necessity pursuant~~  
12 ~~to W.S. 37-2-205,~~ shall exercise the authority for the  
13 erection, placement or expansion of collector systems  
14 associated with commercial facilities generating  
15 electricity from wind. The prohibition imposed by this  
16 subsection shall be effective immediately and shall end  
17 ~~June 30, 2015 or upon the effective date of legislation~~  
18 ~~establishing additional conditions for the use of~~  
19 ~~condemnation authority for the erection, placement or~~  
20 ~~expansion of collector systems associated with commercial~~  
21 ~~facilities generating electricity from wind, whichever~~  
22 ~~occurs earlier~~ June 30, 2030. As used in this subsection,  
23 "collector systems associated with commercial facilities

1 generating electricity from wind" means the conductor  
2 infrastructure, including conductors, towers, substations,  
3 switchgear and other components necessary to deliver power  
4 from any commercial facility generating electricity from  
5 wind up to but not including electric substations or  
6 interconnections facilities associated with existing or  
7 proposed transmission lines that serve load or that export  
8 energy from Wyoming.

9

10 **18-5-502. County regulation of wind or solar energy**  
11 **projects; exceptions.**

12

13 (a) It is unlawful to locate, erect, construct,  
14 reconstruct or enlarge a facility without first obtaining a  
15 permit from the board of county commissioners in the county  
16 in which the facility is located, subject to the moratorium  
17 on wind and solar energy facilities under W.S. 35-11-2201.

18

19 (d) Any wind energy facility which is not required to  
20 have a permit pursuant to subsection (c) of this section  
21 shall be required to obtain a permit for any enlargement of  
22 the facility after July 1, 2010, subject to the moratorium  
23 on wind and solar energy facilities under W.S. 35-11-2201.

1

2 (e) No solar energy facility that has obtained final  
3 county approval where required or that is constructed or  
4 being constructed prior to July 1, 2020 shall be required  
5 to have the permit required by this section. Any solar  
6 energy facility that is not required to have a permit  
7 pursuant to this subsection shall be required to obtain a  
8 permit for any enlargement of the facility after July 1,  
9 2020, subject to the moratorium on wind and solar energy  
10 facilities under W.S. 35-11-2201.

11

12 **34-22-105. County and municipal authority.**

13

14 (a) Subject to the moratorium on wind and solar  
15 energy facilities under W.S. 35-11-2201, land-use  
16 regulations of local governments may encourage the use of  
17 solar energy systems. To encourage the use of solar energy  
18 systems, local governments may regulate:

19

20 **34-27-103. Declaration of wind energy rights.**

21

22 (a) Subject to the moratorium on wind and solar  
23 energy facilities under W.S. 35-11-2201, wind energy rights

1 shall be regarded as an interest in real property and  
2 appurtenant to the surface estate.

3

4 (f) Subject to the moratorium on wind and solar  
5 energy facilities under W.S. 35-11-2201, nothing in this  
6 act shall alter, amend, diminish or invalidate wind energy  
7 agreements or conveyances made or entered into prior to  
8 April 1, 2011 provided that a contract, lease, memorandum  
9 or other notice evidencing the acquisition, conveyance or  
10 reservation of the wind energy rights is recorded in  
11 accordance with subsection (c) of this section no later  
12 than July 1, 2011.

13

14 **35-12-102. Definitions.**

15

16 (a) As used in this chapter:

17

18 (vii) "Industrial facility" or "facility" means  
19 any industrial facility with an estimated construction cost  
20 of at least ninety-six million nine hundred thousand  
21 dollars (\$96,900,000.00) as of May 30, 1987. Exempt  
22 activities shall not be included in the estimated  
23 construction cost of an industrial facility. The council

1 shall adjust this amount, up or down, each year using  
2 recognized construction cost indices as the council  
3 determines to be relevant to the actual change in  
4 construction cost applicable to the general type of  
5 construction covered under this chapter. "Facility" also  
6 includes, regardless of construction cost:

7

8 (E) Subject to the moratorium on wind and  
9 solar energy facilities under W.S. 35-11-2201, any  
10 commercial facility generating electricity from wind and  
11 associated collector systems that:

12

13 (G) Subject to the moratorium on wind and  
14 solar energy facilities under W.S. 35-11-2201, any  
15 commercial facility generating electricity from solar power  
16 and associated solar collector systems if the facility:

17

18 **35-12-106. Permit from council required before**  
19 **commencing construction of facility; electronic permitting;**  
20 **amendments; exceptions; federal requirements.**

21

22 (a) Subject to the moratorium on wind and solar  
23 energy facilities under W.S. 35-11-2201, no person shall

1 commence to construct a facility, as defined in this  
2 chapter, in this state without first obtaining a permit for  
3 that facility from the council. Any facility, for which a  
4 permit is required, shall be constructed, operated and  
5 maintained in conformity with the permit and any terms,  
6 conditions and modifications contained in the permit. A  
7 permit may only be issued pursuant to this chapter or  
8 pursuant to the provisions of W.S. 18-5-501 through  
9 18-5-513 for facilities referred to the council.

10

11 **35-12-115. Additional requirements by other**  
12 **governmental agencies not permitted after issuance of**  
13 **permit; exceptions.**

14

15 (a) Notwithstanding any other provision of law and  
16 subject to the moratorium on wind and solar energy  
17 facilities under W.S. 35-11-2201, no state, intrastate  
18 regional agency or local government may require any  
19 approval, consent, permit, certificate or other condition  
20 for the construction, operation or maintenance of a  
21 facility authorized by a permit issued pursuant to this  
22 chapter except that:

23

1           **Section 3.** This act shall apply to wind and solar  
2 energy facility projects initiated on or after the  
3 effective date of this act. Nothing in this act shall be  
4 construed to prohibit wind or solar energy facility  
5 projects that have begun the local or state permitting  
6 process before the effective date of this act.

7

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

12

13

(END)