

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Industrial siting-tribal notification.

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

A BILL

for

1 AN ACT relating to industrial development and siting;  
2 requiring the provision of notice to tribal governments of  
3 applications for industrial siting permits; making  
4 conforming amendments; requiring rulemaking; specifying  
5 applicability; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 35-12-102(a) by creating a new  
10 paragraph (xvi), 35-12-107(b)(xii), (c)(i), (d)(ii) and  
11 (g)(ii), 35-12-109(a)(xix), 35-12-110(a)(i) and (f)(ii) and  
12 35-12-113(c) and (f) are amended to read:

1

2           **35-12-102. Definitions.**

3

4           (a) As used in this chapter:

5

6                   (xvi) "Tribal government" means the tribal  
7 government of the Eastern Shoshone tribe, the tribal  
8 government of the Northern Arapaho tribe of the Wind River  
9 Indian Reservation and the cooperative tribal governing  
10 body.

11

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

14

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

18

19

20                   (xii) Certification that the governing bodies of  
21 all tribal governments and local governments within the  
22 potentially impacted area were provided notification, a  
23 description of the proposed project and an opportunity to

1 ask the applicant questions at least thirty (30) days prior  
2 to submission of the application;

3

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

6

7 (i) Serve notice of the request upon the  
8 governing bodies of local governments ~~which~~ and tribal  
9 governments that will be primarily affected by the proposed  
10 facility and, for proposed facilities meeting the  
11 requirements of W.S. 35-12-102(a)(vii)(E), (F) or (G), upon  
12 affected landowners;

13

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

16

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

22

1 (g) Not more than fifty (50) days following receipt  
2 of a request, the director shall:

3  
4 (ii) Notify the applicant, tribal governments,  
5 if applicable, and local governments of the hearing and,  
6 for proposed facilities meeting the requirements of W.S.  
7 35-12-102(a)(vii)(E), (F) or (G), notify affected  
8 landowners;

9  
10 **35-12-109. Application for permit; form; fee;**  
11 **financial accounting.**

12  
13 (a) An application for a permit shall be filed with  
14 the division, in a form as prescribed by council rules and  
15 regulations, and shall contain the following information:

16  
17 (xix) Certification that the governing bodies of  
18 all local and tribal governments ~~which~~that will be  
19 primarily affected by the proposed facility were provided  
20 notification, a description of the proposed project and an  
21 opportunity to ask the applicant questions at least thirty  
22 (30) days prior to submission of the application;

23

1           35-12-110. Service of notice of application;  
2 information and recommendations; application deficiencies;  
3 procedure; jurisdiction; hearing.

4

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

7

8           (i) Serve an electronic or physical copy of the  
9 application upon the governing bodies of local governments  
10 ~~which~~ and tribal governments that will be primarily  
11 affected by the proposed facility together with notice of  
12 the applicable provisions of W.S. 35-12-111 and, for  
13 proposed facilities meeting the requirements of W.S. 35-12-  
14 102(a)(vii)(E), (F) or (G), serve a copy of the application  
15 with notice of the applicable provisions of W.S. 35-12-111  
16 upon affected landowners;

17

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

20

21           (ii) Notify the applicant, tribal governments,  
22 if applicable, and local governments of the hearing and,  
23 for proposed facilities meeting the requirements of W.S.

1 35-12-102(a)(vii)(E), (F) or (G), notify affected  
2 landowners;

3

4 **35-12-113. Decision of council; findings necessary**  
5 **for permit conditions imposed; service of decision on**  
6 **parties; waste management surcharge.**

7

8 (c) If the council determines that the location of  
9 all or part of the proposed facility should be modified, it  
10 may condition its permit upon that modification, provided  
11 that the local and tribal governments, and persons residing  
12 therein, affected by the modification, have been given  
13 reasonable notice of the modification.

14

15 (f) Within ten (10) days from the date of the  
16 council's decision, a copy of the findings and the  
17 council's decision shall be served upon the applicant,  
18 parties to the hearing and local and tribal governments to  
19 be substantially affected by the proposed facility and  
20 filed with the county clerk of the county or counties to be  
21 primarily affected by the proposed facility. Notice of the  
22 decision shall be published in one (1) or more newspapers

