

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Industrial siting-mineral processing facility exemption.

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

A BILL

for

1 AN ACT relating to industrial development and siting;
2 providing that specified processing facilities are exempt
3 from certain requirements of the Industrial Development
4 Information and Siting Act; providing requirements;
5 specifying applicability; requiring rulemaking; and
6 providing for effective dates.

7

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

9

10 **Section 1.** W.S. 35-12-119(c) by creating new
11 paragraphs (vi) and (vii) and by creating a new subsection
12 (e) is amended to read:

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2 *****
3 *****4 **STAFF COMMENT**5
6 In light of the Committee's discussion at the April
7 meeting, I have included the entirety of W.S. 35-12-119 for
8 the Committee's reference. Only subsection (c) and the new
9 subsection (e) are amended in the draft; the remaining
10 provisions would be omitted from the final draft if the
11 bill is sponsored.12
13 *****
14 *****
1516 **35-12-119. Exemptions; information required.**

17

18 (a) Nonmineral processing facilities to be
19 constructed in existing industrial parks, as designated by
20 local governments, and industrial sovereign zones
21 established under W.S. 9-20-202 are exempt from payment of
22 fees and certification procedures but shall furnish the
23 information required by W.S. 35-12-109(a)(iii), (iv) and
24 (v) to the division if included in W.S. 35-12-102(a)(vii).

25

26 (b) State and local governmental units and agencies
27 are exempt from the application and permit procedures of
28 this chapter, but prior to commencing to construct any
29 facility as provided in W.S. 35-12-102(a)(vii), those units

1 and agencies shall furnish to the division information
2 required by W.S. 35-12-109(a)(iii), (iv) and (v).

3

4 (c) The construction, operation and maintenance of
5 the following activities are exempt from this chapter:

6

7 (i) Electric transmission lines with a maximum
8 operating voltage of less than one hundred sixty thousand
9 (160,000) volts, except:

10

11 (A) Any collector system, regardless of
12 voltage, associated with a commercial facility generating
13 electricity from wind and which meets the definition of an
14 industrial facility pursuant to W.S. 35-12-102(a)(vii)(E)
15 and (F) shall not be exempt;

16

17 (B) A commercial facility generating
18 electricity from wind that is exempt from W.S.
19 35-12-102(a)(vii)(E) or (F) shall not become subject to
20 this chapter because its collector system is greater than
21 one hundred sixty thousand (160,000) volts.

22

23 (ii) Oil and gas drilling facilities;

1

2 (iii) All pipelines except coal slurry
3 pipelines;

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5 (iv) Oil and gas producing facilities;

6

7 (v) Oil and gas wellfield activities.

8

9 (vi) Any processing facility to be constructed
10 within the permitted area of an existing coal or trona mine
11 or on property adjacent to property owned or controlled by
12 the permittee of the coal or trona mine;

13

14 (vii) Any leasable or locatable mineral
15 processing facility to be constructed in existing
16 industrial parks, as designated by local governments.

17

18 *****
19 *****

20 **STAFF COMMENT**

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22 For paragraphs (vi) above, the Committee may wish to
23 consider the following:

24

- 25 • Whether "processing facility" should be defined or
26 clarified. (For example, should there be a reference
27 to "mineral" or "nonmineral"; would a facility in an

1 industrial sovereign zone be a "processing facility"
2 to where further clarity is needed).

3
4 For paragraph (vii) above, the Committee may wish to
5 consider the following:

- 6
7 • What is meant by "leasable or locatable" in this
8 context, or whether those terms are necessary in
9 paragraph (vii).
- 10 • Whether a date or event should be specified to clarify
11 what is meant by "existing" ("in industrial parks
12 existing before July 1, 2027"; or "in industrial parks
13 existing before the processing facility is
14 constructed").
- 15 • Clarifying what may be (or must be) designated by
16 local governments (i.e., the industrial parks are
17 designated, or the processing facility is designated).
- 18 • Clarifying which local government (or governments)
19 must designate (i.e., city/town, county, or both).

20
21 *****
22 *****
23

24 (d) Activities exempt under this section shall not be
25 included as part of the application review of a facility
26 subject to this chapter, and the council does not have
27 jurisdiction over exempt activities. Applicants shall
28 furnish the information required by W.S. 35-12-109(a)(iii),
29 (iv), (v) and (viii) for exempt activities.

30
31 (e) Nothing in this section shall be construed to
32 limit or prohibit a city, town or county from negotiating,
33 entering into and enforcing agreements with a person

proposing to construct an industrial facility subject to
subsection (a) or paragraphs (c)(vi) or (vii) of this
section to address the mitigated and unmitigated impacts of
the construction and operation of the industrial facility
on the applicable counties, cities and towns.

STAFF COMMENT

**For subsection (e) above, the Committee may wish to
consider whether references to "mitigated" or "unmitigated"
are needed.**

Section 2. This act shall apply to all industrial
facilities as defined in W.S. 35-12-102(a)(vii) for which
the applicant receives a determination of jurisdiction from
the director of the department of environmental quality or
the administrator of the industrial siting division of the
department of environmental quality on and after July 1,
2027. For all industrial facilities for which a
determination of jurisdiction was provided to the applicant
before July 1, 2027, the applicable laws of the Industrial
Development Information and Siting Act before July 1, 2027
shall apply those industrial facilities.

1

2 **Section 3.** The industrial siting council shall
3 promulgate all rules necessary to implement this act.

4

5 **Section 4.**

6

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2027.

9

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

14

15 (END)