

HOUSE BILL NO. HB0186

Industrial siting-amendments.

Sponsored by: Representative(s) Hastert and Thompson

A BILL

for

1 AN ACT relating to industrial development and siting;
2 providing for impact assistance payments for an industrial
3 facility as specified; amending a definition; removing the
4 exemption for oil and gas facilities; and providing for an
5 effective date.

6

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

8

9 **Section** **1.** W.S. 35-12-102(a)(vii)(intro),
10 35-12-119(c)(iii), 39-15-111(c) and 39-16-111(d) are
11 amended to read:

12

13 **35-12-102. Definitions.**

14

15 (a) As used in this chapter:

16

1 (vii) "Industrial facility" or "facility" means
2 any industrial facility with an estimated construction cost
3 of at least ninety-six million nine hundred thousand
4 dollars (\$96,900,000.00) ~~as of May 30, 1987~~ or one (1) or
5 more permitted facilities within a twelve (12) month period
6 with a combined estimated construction cost of at least
7 ninety-six million nine hundred thousand dollars
8 (\$96,900,000.00). Exempt activities shall not be included
9 in the estimated construction cost of an industrial
10 facility. The council shall adjust this amount, up or
11 down, each year using recognized construction cost indices
12 as the council determines to be relevant to the actual
13 change in construction cost applicable to the general type
14 of construction covered under this chapter. "Facility"
15 also includes, regardless of construction cost:

16

17 **35-12-119. Exemptions; information required.**

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

21

22 (iii) ~~All pipelines except~~ Coal slurry
23 pipelines;

24

1 **39-15-111. Distribution.**

2

3 (c) If any person commences after the effective date
4 of this act to construct an industrial facility, as that
5 term is defined in W.S. 35-12-102, under a permit issued
6 pursuant to W.S. 35-12-106, or if the federal or state
7 government commences to construct any project within this
8 state with an estimated construction cost as specified in
9 the definition of industrial facility in W.S. 35-12-102 the
10 state treasurer shall thereafter pay to the county
11 treasurer and the county treasurer will distribute to the
12 county, cities and towns of that county in which the
13 industrial facility or project is located, impact
14 assistance payments from the monies available under
15 paragraph (b)(i) of this section. Each payment to the
16 county treasurer shall be equal to the excess of each
17 monthly payment made under paragraph (b)(iii) of this
18 section during the period of construction over the base
19 period amount and shall continue during the period of
20 construction except that in the case of an industrial
21 facility or a federal or state government project which is
22 expected to continue in phases for an indefinite period of
23 time, the state treasurer shall discontinue payments under
24 this section and establish a new base period when

1 construction of any phase has ceased or been substantially
2 completed for twelve (12) consecutive months. In lieu of
3 the monthly payments authorized by this section, a county
4 may apply to the industrial siting council under W.S.
5 35-12-104 for a lump sum payment which shall be an estimate
6 of six (6) months of payments the county would have
7 otherwise received under this subsection. If the
8 application is approved by the industrial siting council
9 for good cause shown in a public hearing held in accordance
10 with W.S. 35-12-106, the state treasurer shall distribute
11 the lump sum amount. The state treasurer shall distribute
12 the lump sum payment within forty-five (45) days of the
13 industrial siting council's approval. If the lump sum
14 payment is made, the state treasurer shall treat the
15 payment as a credit against the ensuing six (6) monthly
16 payments to which the county is otherwise entitled. The
17 impact assistance payments shall be distributed to the
18 county treasurer and the county treasurer will distribute
19 to the county and to the cities and towns therein based on
20 a ratio established by the industrial siting council during
21 a public hearing held in accordance with W.S. 35-12-110.
22 The industrial siting council shall review the distribution
23 ratio for construction projects on a regular basis and make
24 appropriate adjustments. A governing body which is

1 primarily affected by the facility, or any person issued a
2 permit pursuant to W.S. 35-12-106, may petition the
3 industrial siting council for review and adjustment of the
4 distribution ratio upon a showing of good cause. The
5 impact assistance payment shall be in addition to all other
6 distributions under this section, but no impact assistance
7 payment shall be made for any period in which the county or
8 counties are not imposing the maximum tax authorized by
9 W.S. 39-15-204(a)(i) and 39-16-204(a)(i) as restricted by
10 W.S. 39-15-204(a)(iv) and 39-16-204(a)(iii). For purposes
11 of this subsection, the industrial facility or federal or
12 state government project will be deemed to be located in
13 the county in which a majority of the construction costs
14 will be expended, provided that upon a request from the
15 county commissioners of any adjoining county to the
16 industrial siting council, the council may determine that
17 the social and economic impacts from construction of the
18 industrial facility or federal or state government project
19 upon the adjoining county are significant and establish the
20 ratio of impacts between the counties and certify that
21 ratio to the state treasurer who will thereafter distribute
22 the impact assistance payment to the counties pursuant to
23 that ratio.

24

1 **39-16-111. Distribution.**

2

3 (d) If any person commences after the effective date

4 of this act to construct an industrial facility, as that

5 term is defined in W.S. 35-12-102, under a permit issued

6 pursuant to W.S. 35-12-106, or if the federal or state

7 government commences to construct any project within this

8 state with an estimated construction cost as specified in

9 the definition of industrial facility in W.S. 35-12-102 the

10 state treasurer shall thereafter pay to the county

11 treasurer and the county treasurer will distribute to the

12 county, cities and towns of that county in which the

13 industrial facility or project is located, impact

14 assistance payments from the monies available under

15 paragraph (b)(i) of this section. Each payment to the

16 county treasurer shall be equal to the excess of each

17 monthly payment made under paragraph (b)(iii) of this

18 section during the period of construction over the base

19 period amount and shall continue during the period of

20 construction except that in the case of an industrial

21 facility or a federal or state government project which is

22 expected to continue in phases for an indefinite period of

23 time, the state treasurer shall discontinue payments under

24 this section and establish a new base period when

1 construction of any phase has ceased or been substantially
2 completed for twelve (12) consecutive months. In lieu of
3 the monthly payments authorized by this section, a county
4 may apply to the industrial siting council under W.S.
5 35-12-104 for a lump sum payment. If approved by the
6 industrial siting council in a public hearing held in
7 accordance with W.S. 35-12-106, the state treasurer shall
8 distribute an amount equal to six (6) months of payments
9 the county would have otherwise received under this
10 subsection. The state treasurer shall distribute the lump
11 sum payment within forty-five (45) days of the industrial
12 siting council's approval. If the lump sum payment is
13 made, the state treasurer shall treat the payment as a
14 credit against the monthly payments to which the county is
15 otherwise entitled. The impact assistance payments shall
16 be distributed to the county treasurer and the county
17 treasurer will distribute to the county and to the cities
18 and towns therein based on a ratio established by the
19 industrial siting council during a public hearing held in
20 accordance with W.S. 35-12-110. The impact assistance
21 payment shall be in addition to all other distributions
22 under this section, but no impact assistance payment shall
23 be made for any period in which the county or counties are
24 not imposing the maximum tax authorized by W.S.

1 39-15-204(a)(i) and 39-16-204(a)(i) as restricted by W.S.
2 39-15-204(a)(iv) and 39-16-204(a)(iii). For purposes of
3 this subsection, the industrial facility or federal or
4 state government project will be deemed to be located in
5 the county in which a majority of the construction costs
6 will be expended, provided that upon a request from the
7 county commissioners of an adjoining county to the
8 industrial siting council, the council may determine that
9 the social and economic impacts from construction of the
10 industrial facility or federal or state government project
11 upon the adjoining county are significant and establish the
12 ratio of impacts between the counties and certify that
13 ratio to the state treasurer who will thereafter distribute
14 the impact assistance payment to the counties pursuant to
15 that ratio.

16

17 **Section 2.** W.S. 35-12-119(c)(ii), (iv) and (v) is
18 repealed.

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20 **Section 3.** This act is effective July 1, 2006.

21

22 (END)