

HOUSE BILL NO. HB0066

Industrial siting-financial resources.

Sponsored by: Representative(s) Stubson, Kasperik, Lockhart
and Moniz and Senator(s) Bebout, Martin and
Perkins

A BILL

for

1 AN ACT relating to industrial siting; repealing
2 requirements regarding adequate financial resources related
3 to the construction, maintenance and operation of certain
4 industrial facilities; making conforming amendments; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-12-107(b)(xiv), (h)(iii) and
10 (j)(iv), 35-12-109(a)(xxi) and 35-12-113(a)(iv) are amended
11 to read:

12

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

15

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

4
5 (xiv) Information demonstrating the applicant's
6 financial capability to ~~construct, maintain, operate,~~
7 decommission and reclaim the facility. For facilities
8 meeting the definition of W.S. 35-12-102(a)(vii)(E) the
9 information shall also demonstrate the applicant's
10 financial capability to construct, maintain and operate the
11 facility;

12
13 (h) The applicant shall present any evidence
14 necessary to demonstrate to the council:

15
16 (iii) That the applicant has financial resources
17 to ~~construct, maintain, operate,~~ decommission and reclaim
18 the facility. For facilities meeting the definition of W.S.
19 35-12-102(a)(vii)(E) the evidence shall also demonstrate
20 the applicant's financial capability to construct, maintain
21 and operate the facility.

22
23 (j) Within ten (10) days from the date of completion
24 of the hearing the council shall make complete findings,

1 issue an opinion and render a decision upon the record,
2 either granting or denying the request for a waiver. The
3 council shall grant a request for a waiver either as
4 proposed or as modified by the council if it finds and
5 determines that:

6
7 (iv) The applicant has financial resources to
8 ~~construct, maintain, operate,~~ decommission and reclaim the
9 facility. For facilities meeting the definition of W.S.
10 35-12-102(a)(vii)(E) the council shall also be required to
11 find the applicant has financial resources to construct,
12 maintain and operate the facility.

13
14 **35-12-109. Application for permit; form; fee;**
15 **financial accounting.**

16
17 (a) An application for a permit shall be filed with
18 the division, in a form as prescribed by council rules and
19 regulations, and shall contain the following information:

20
21 (xxi) Information demonstrating the applicant's
22 financial capability to ~~construct, maintain, operate,~~
23 decommission and reclaim the facility. For facilities
24 meeting the definition of W.S. 35-12-102(a)(vii)(E) the

1 information shall also demonstrate the applicant's
2 financial capability to construct, maintain and operate the
3 facility;

4

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

8

9 (a) Within forty-five (45) days from the date of
10 completion of the hearing the council shall make complete
11 findings, issue an opinion and render a decision upon the
12 record, either granting or denying the application as
13 filed, or granting it upon terms, conditions or
14 modifications of the construction, operation or maintenance
15 of the facility as the council deems appropriate. The
16 council shall not consider the imposition of conditions
17 which address impacts within the area of jurisdiction of
18 any other regulatory agency in this state as described in
19 the information provided in W.S. 35-12-110(b), unless the
20 other regulatory agency requests that conditions be
21 imposed. In considering the imposition of conditions
22 requested by other agencies upon private lands, the council
23 shall consider in the same manner and to the same extent
24 any comments presented by an affected landowner. The

1 council may consider direct or cumulative impacts not
2 within the area of jurisdiction of another regulatory
3 agency in this state. The council shall grant a permit
4 either as proposed or as modified by the council if it
5 finds and determines that:

6
7 (iv) The applicant has financial resources to
8 ~~construct, maintain, operate,~~ decommission and reclaim the
9 facility. For facilities meeting the definition of W.S.
10 35-12-102(a)(vii)(E) the council shall also be required to
11 find the applicant has financial resources to construct,
12 maintain and operate the facility.

13
14 **Section 2.** This act is effective July 1, 2012.

15
16 (END)