

ORIGINAL HOUSE  
BILL NO. 0066

ENROLLED ACT NO. 14, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

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

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

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

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

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

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

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

(iii) That the applicant has financial resources to ~~construct, maintain, operate,~~ decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) the evidence shall also demonstrate

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the applicant's financial capability to construct, maintain and operate the facility.

(j) Within ten (10) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the request for a waiver. The council shall grant a request for a waiver either as proposed or as modified by the council if it finds and determines that:

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

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

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

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

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

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(a) Within forty-five (45) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate. The council shall not consider the imposition of conditions which address impacts within the area of jurisdiction of any other regulatory agency in this state as described in the information provided in W.S. 35-12-110(b), unless the other regulatory agency requests that conditions be imposed. In considering the imposition of conditions requested by other agencies upon private lands, the council shall consider in the same manner and to the same extent any comments presented by an affected landowner. The council may consider direct or cumulative impacts not within the area of jurisdiction of another regulatory agency in this state. The council shall grant a permit either as proposed or as modified by the council if it finds and determines that:

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk