

## HOUSE BILL NO. HB0260

Industrial siting-financial resources.

Sponsored by: Representative(s) Stubson and Senator(s)  
Perkins

A BILL

for

1 AN ACT relating to industrial siting; repealing  
2 requirements to provide financial assurances regarding  
3 construction, maintenance and operation; and providing for  
4 an effective date.

5

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

7

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

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11 **35-12-107. Request for waiver of permit application;**  
12 **form.**

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14 (j) Within ten (10) days from the date of completion  
15 of the hearing the council shall make complete findings,  
16 issue an opinion and render a decision upon the record,

1 either granting or denying the request for a waiver. The  
2 council shall grant a request for a waiver either as  
3 proposed or as modified by the council if it finds and  
4 determines that:

5

6 (iv) The applicant has financial resources to  
7 ~~construct, maintain, operate,~~ decommission and reclaim the  
8 facility.

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 (xxi) Information demonstrating the applicant's  
18 financial capability to ~~construct, maintain, operate,~~  
19 decommission and reclaim the facility.

20

21 **35-12-113. Decision of council; findings necessary**  
22 **for permit conditions imposed; service of decision on**  
23 **parties; waste management surcharge.**

24

1           (a) Within forty-five (45) days from the date of  
2 completion of the hearing the council shall make complete  
3 findings, issue an opinion and render a decision upon the  
4 record, either granting or denying the application as  
5 filed, or granting it upon terms, conditions or  
6 modifications of the construction, operation or maintenance  
7 of the facility as the council deems appropriate. The  
8 council shall not consider the imposition of conditions  
9 which address impacts within the area of jurisdiction of  
10 any other regulatory agency in this state as described in  
11 the information provided in W.S. 35-12-110(b), unless the  
12 other regulatory agency requests that conditions be  
13 imposed. The council may consider direct or cumulative  
14 impacts not within the area of jurisdiction of another  
15 regulatory agency in this state. The council shall grant a  
16 permit either as proposed or as modified by the council if  
17 it finds and determines that:

18

19           (iv) The applicant has financial resources to  
20 ~~construct, maintain, operate,~~ decommission and reclaim the  
21 facility.

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1           **Section 2.** This act is effective July 1, 2011.

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3

(END)