



SF0036

Large scale solar and wind energy facilities.

Sponsored By: Joint Corporations, Elections & Political  
Subdivisions Interim Committee

AN ACT relating to regulation of solar and wind energy facilities; requiring permitting by boards of county commissioners of solar energy facilities; establishing minimum standards for solar and wind energy facilities; providing for referrals to the industrial siting council; amending the industrial siting council's jurisdiction over wind and solar energy facilities; specifying issues to consider in the permitting of solar and wind energy facilities; making conforming amendments; providing for rulemaking; and providing for effective dates.

1/13/2020 Bill Number Assigned  
2/7/2020 S Received for Introduction  
2/10/2020 S Introduced and Referred to S07 - Corporations 29-0-1-0-0

ROLL CALL

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Excused:** Senator Agar

**Ayes** 29    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

2/18/2020 S07 - Corporations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

**Ayes:** Senator(s) Case, Landen, Nethercott, Schuler, Scott

**Ayes** 5    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

2/18/2020 S Placed on General File

SF0036SS001/ADOPTED

That Substitute No. 1 for SF0036 DO PASS. LANDEN, CHAIRMAN

SF0036SW001/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Page 5-line 16 After "facilities" insert ",."

Page 5-line 17 before "the" strike "and"; after "egress" insert "and the likely location of electric transmission and other related facilities".

Page 17-line 22 Delete "forty".

Page 17-line 23 Delete "(40) megawatts" and insert "five hundred (500) kilowatts". CASE, LANDEN, SCHULER

SF0036SW002/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Page 2-line 2 After "18-5-504(a)" insert "(intro)".

Page 2-line 3 Delete "new paragraphs" and insert "a new paragraph"; delete "and (viii)".

Page 2-line 4 After "subsection (c)" delete "and" and insert ","; after "(d)" insert "and by creating a new subsection (e)".

Page 11-lines 15 and 16 Delete entirely.

Page 13-after line 8 Insert:

"(e) For a permit granted for a wind energy facility under this article, there shall be no vertical construction of a wind turbine within two (2) nautical miles of any active federal military missile launch or control facility, unless the owner or developer of the wind energy facility first obtains and furnishes documentation to the board of county commissioners of:

(i) A written determination of no adverse impact on nuclear security operations from the military installation commander or the commander's designee. The determination shall not be unreasonably withheld or denied;

(ii) A determination of no hazard from the federal aviation administration; and

(iii) Documentation from the federal military aviation and installation assurance siting clearinghouse that resolves any potential adverse impact on military operations and readiness and that commits to implement required mitigation measures."

Page 23-line 11 After "(g)" delete balance of line.

Page 23-line 12 Delete "W.S. 18-5-501 through 18-5-513 for any" and insert "For a permit issued for a facility meeting the definition of W.S. 35-12-102(a)(vii)(E), there shall be no".

Page 23-line 15 Delete "wind energy".

Page 23-line 16 Delete "proof" and insert "documentation"; delete "council" and insert "division".

Page 23-line 20 After "designee" insert ". The determination shall not be unreasonably withheld or denied". NETHERCOTT

2/20/2020 S COW:Passed

SF0036S2001.01/FAILED

[DIVIDED AMENDMENT]  
(CORRECTED COPY)

[TO SUBSTITUTE BILL No. 1]

Page 2-line 14 Delete entirely and insert "35-12-113(a)(iv)".

Page 28-lines 18 through 23 Delete entirely and insert:

"(xxii) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or~~ (F) or (G), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act."

Page 29-lines 2 and 3 Delete entirely.

Page 31-lines 10 and 11 Delete entirely.

Page 31-line 18 Reinsert all stricken language; delete all new language. LANDEN

**SF0036S2001.02/FAILED [DIVIDED AMENDMENT]  
(CORRECTED COPY)**

**[TO SUBSTITUTE BILL No. 1]**

Page 31-lines 20 through 23 Delete entirely. LANDEN

**ROLL CALL**

**Ayes:** Senator(s) Anselmi-Dalton, Boner, Gierau, Kost, Landen, Nethercott, Pappas, Rothfuss, Von Flatern

**Nays:** Senator(s) Agar, Anderson, Baldwin, Bebout, Biteman, Bouchard, Case, Coe, Dockstader, Driskill, Hicks, Hutchings, James, Kinskey, Moniz, Perkins, Schuler, Scott, Steinmetz, Wasserburger

**Conflicts:** Senator Ellis

**Ayes** 9    **Nays** 20    **Excused** 0    **Absent** 0    **Conflicts** 1

**SF0036S2002/ADOPTED**

**[TO SUBSTITUTE BILL No. 1]**

Page 2-line 8 After "by creating" delete "a".

Page 2-line 9 Delete "subparagraph (G)" and insert "subparagraphs (G) and (H)".

Page 3-line 5 Strike "contiguous".

Page 3-lines 13 through 15 Delete entirely and insert:

"(v) "Facility" includes:

(A) A wind energy facility or a solar energy facility unless the context clearly indicates otherwise;

(B) A wind energy facility or a solar energy facility planned for construction and siting or whose ownership or business structure is organized in a way to circumvent the definition of "facility" or the requirements of this article while engaging in conduct that otherwise would be subject to the requirements of this article. A facility that meets the definition of this subparagraph shall comply with all requirements of this article before locating, erecting, constructing, reconstructing or enlarging the facility."

Page 3-line 20 Delete "contiguous".

Page 19-after line 17 Insert:

"(H) Any facility that would meet the definition of subparagraphs (E) or (G) of this paragraph but is planned for construction and siting or has its ownership or business structure organized in a way to circumvent the definition of "industrial facility" or "facility" or the requirements of this chapter while engaging in conduct that otherwise would be subject to the requirements of this article. A facility that meets the definition of this chapter shall comply with all requirements applicable to facilities defined by subparagraphs (E) and (G) of this paragraph.". PERKINS

**SF0036S2003/ADOPTED**

**[TO SUBSTITUTE BILL No. 1]**

Page 3-line 10 Strike "which are" and insert "that is".

Page 3-line 11 After "process" insert "." "Enlarge" or "enlargement" shall not include an improvement made to an existing wind turbine that maintains the same surface space occupied by the structure that was previously permitted, regardless of the cost of the improvement"  
BEBOUT

2/21/2020 S 2nd Reading:Passed

**SF0036S3001/ADOPTED**

Page 3-line 11 In the Bebout second reading amendment (SF0036S2003/A) to this line, delete "an existing" and insert "a permitted". BEBOUT

2/24/2020 S 3rd Reading:Passed 29-0-0-0-1

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Conflicts:** Senator Ellis

**Ayes** 29    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 1

2/25/2020 H Received for Introduction

2/25/2020 H Introduced and Referred to H07 - Corporations

2/28/2020 H07 - Corporations:Recommend Amend and Do Pass 8-0-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Clausen, Clem, Clifford, Duncan, Edwards, Eyre, Furphy, Lindholm

**Excused:** Representative Blackburn

**Ayes** 8    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

2/28/2020 H Placed on General File

**SF0036HS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 2-line 15 Delete entirely and insert "35-12-113 by creating a new subsection (j)".

Page 5-line 9 After "approval" insert "where required".

Page 13-line 3 After "municipality" insert "within the boundaries of that municipality".

Page 31-lines 18 through 23 Delete entirely and insert:

"(xxii) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E), ~~or~~ (F) or (G), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act."

Page 32-lines 2 through 4 Delete entirely.

Page 33-lines 16 through 23 Delete entirely.

Page 34-lines 1 through 23 Delete entirely.

Page 35-lines 2 through 5 Delete entirely and insert:

"(j) The council may deny an application if the facility that is the subject of the application will unreasonably interfere with the development of a known and currently economically developable mineral resource within the proposed facility." LINDHOLM, CHAIRMAN

**SF0036HW001/ADOPTED (TO ENGROSSED COPY)**

Page 2-line 9 After "(b)," insert "34-22-105(c),".

Page 20-after line 5 Insert:

**"34-22-105. County and municipal authority.**

(c) No local government shall prohibit the construction or use of solar collectors except for reasons of public health and safety or as authorized in W.S. 18-5-501 through 18-5-513." LINDHOLM

3/4/2020 H COW:Passed

**SF0036H2001/FAILED (TO ENGROSSED COPY)**

Page 2-line 5 Delete "a new subsection (e)" and insert "new subsections (e) and (f)".

Page 6-line 7 After "facility," insert "to the governing body of any public airport within twenty (20) nautical miles of the proposed facility,".

Page 15-after line 5 Insert:

"(f) No permit shall be granted for a facility under this article unless the governing body of a public airport within twenty (20) nautical miles of the airport provides a written opinion that the facility will not impact safety of flight. The governing body shall only withhold the opinion for impacts to the published boundary of the class B, class C, class D or class E airspace as depicted by a current federal aviation administration navigation chart, approach plate or other federal aviation administration publication for navigation or for impacts within twenty (20) nautical miles of the geographical center of any airport to aircraft traffic patterns established pursuant to 14 CFR Part 93, including any:

- (i) Instrument approach procedures;
- (ii) Arrival and departure procedures;
- (iii) Missed approach procedures; or
- (iv) Instrument holding procedures.". MACGUIRE

3/5/2020 H 2nd Reading:Passed

**SF0036H3001/FAILED**

**(TO ENGROSSED COPY)**

Page 2-line 5 Delete "a new subsection (e)" and insert "new subsections (e) and (f)".

Page 6-line 7 After "facility," insert "to the governing body of any public airport within twenty (20) nautical miles of the proposed facility,".

Page 15-after line 5 Insert:

"(f) Each airport governing body provided notice of a permit application pursuant to W.S. 18-5-503(a)(i) shall consider potential impacts of the proposed facility on safety of flight. The governing body shall only consider impacts to the published boundary of class B, class C, class D or class E airspace as depicted by a current federal aviation administration navigation chart, approach plate or other federal aviation administration publication for navigation or for impacts within five (5) nautical miles of the geographical center of the airport to an aircraft traffic pattern established pursuant to 14 CFR Part 93. No permit shall be granted for a facility under this article unless the airport governing body provides a written opinion that the facility will not impact safety of flight in areas specified by this subsection. The written opinion shall not be unreasonably withheld.". MACGUIRE

**SF0036H3002/FAILED**

**(TO ENGROSSED COPY)**

Page 14-line 10 Delete "two (2)" and insert "one and one-half (1 1/2)".

Page 26-line 8 Delete "two (2)" and insert "one and one-half (1 1/2)".  
EKLUND

**SF0036H3003/FAILED**

**(TO ENGROSSED COPY)**

Delete the Eklund third reading amendment (SF0036H3002/AE) entirely and further amend as follows:

Page 2-line 5 Delete "and by creating a new subsection (e)".

Page 2-line 11 Delete "35-12-106 by creating a new".

Page 2-line 12 Delete "subsection (g),".

Page 14-lines 8 through 22 Delete entirely.

Page 15-lines 1 through 5 Delete entirely.

Page 26-lines 1 through 23 Delete entirely.

Page 27-lines 1 through 3 Delete entirely. EKLUND

**SF0036H3004/WITHDRAWN**

3/6/2020 H 3rd Reading:Passed 55-3-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Hunt, Jennings, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Lindholm, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Washut, Western, Wilson, Yin, Zwonitzer

**Nays:** Representative(s) Eklund, Styvar, Winter

**Excused:** Representative(s) Blackburn, Henderson

**Ayes** 55    **Nays** 3    **Excused** 2    **Absent** 0    **Conflicts** 0

3/10/2020 S Received for Concurrence

3/10/2020 S Concur:Passed 29-0-0-0-1

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Conflicts:** Senator Ellis

**Ayes** 29    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 1

3/10/2020 Assigned Number SEA No. 0045

3/10/2020 S President Signed SEA No. 0045

3/11/2020 H Speaker Signed SEA No. 0045

3/13/2020 Governor Signed SEA No. 0045

3/13/2020 Assigned Chapter Number 105

3/16/2020 Assigned Chapter Number 106

Chapter No. 106 Session Laws of Wyoming 2020