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New Legislation in Wyoming Impacting the Energy and Extractive Industries

The 2017 Wyoming Legislative Session concluded in March 2017. A number of bills were passed impacting the energy and extractive industries. Below are summaries of the key legislation passed into law during the session which is likely to have considerable impacts on those industries:

Ad Valorem Taxation – Liens on Mineral Production: HB0220 amended provisions of a Wyoming statute relating to liens on mineral production. In particular, HB0220 amended Wyoming Statute § 39-13-108, addressing ad valorem tax lien enforcement, to specify that a lien under the section shall not apply to a royalty interest, overriding royalty, or other interest which has been carved out of the mineral estate of an owner who is not a delinquent taxpayer. The legislature passed HB0220 in order to remove ambiguities which existed as to whether or not an ad valorem tax lien could extend to these interests.

Storage Tanks: In passing HB0002, the Wyoming Legislature updated the Wyoming Storage Tank Act of 2007. HB0002 provides that with the exception of tanks located within operating facilities, any underground or aboveground storage tank that has been temporarily out of use for more than 12 months shall be permanently closed no later than one year from the date on which the tank is placed in temporarily out-of-use status. HB0002 also imposes a variety of new monitoring requirements for storage tanks.

Nuclear Regulatory Commission Agreement State Amendments: The Wyoming Legislature updated the terms and conditions of the state's Nuclear Regulatory Agreement when it passed HB0004. HB0004 provides that the Wyoming Department of Environmental Quality shall recognize licenses issued by other Nuclear Regulatory Agreement states which authorize the possession and use of source materials involved in uranium or thorium recovery or milling and the associated byproduct materials. Before the passage of HB0004, Wyoming's Nuclear Regulatory Agreement only provided that Wyoming would recognize licenses issued by the Nuclear Regulatory Commission and did not allow the Wyoming Department of Environmental Quality to recognize licenses issued by other states.

Radioactive Waste Storage Facilities – Amendments: The Wyoming Legislature passed SF0006 to amend various provisions of the Wyoming Environmental Quality Act pertaining to radioactive waste storage facilities. SF0006 increases the application fee to site a high-level radioactive waste storage facility from \$500,000 to \$800,000. SF0006 also increases the timeframe within which the Department of Environmental Quality shall prepare its environmental, social, and economic impact report on a proposed facility from 18 months to 21 months, and further permits the Department to extend the 21-month deadline if the Department believes that more than 21 months is necessary. SF0006 also specifies that the Department shall hold public hearings within the county or counties where a proposed facility would be sited.

Federal Land Wind and Solar Energy Revenue – State Share: In addition to the legislation passed during the 2017 Wyoming Legislative Session, parties interested in renewable energy and public lands should take note of SJ0002. SJ0002 is a joint resolution passed by the legislature that calls upon the United States Congress to enact legislation requiring the federal government to share 50% of fees and revenues from wind and solar energy development on federal lands with the states wherein the wind and solar sites are located.

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