

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Environmental quality investigations-statute of  
limitations.

Sponsored by: Joint Minerals, Business & Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; establishing a  
2 statute of limitations for investigations of environmental  
3 quality violations by the department of environmental  
4 quality; specifying exceptions; specifying applicability;  
5 requiring rulemaking; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 35-11-109(a)(vii) and 35-11-701 by  
10 creating a new subsection (e) are amended to read:

11

12 **35-11-109. Powers and duties of director.**

1

2 (a) In addition to any other powers and duties  
3 imposed by law, the director of the department shall:

4

5 (vii) Subject to W.S. 35-11-701(e), investigate  
6 violations of this act or regulations adopted hereunder and  
7 prepare and present enforcement cases before the council;  
8 to take such enforcement action as set out in articles 6  
9 and 7 of this act; to appear before the council on any  
10 hearing under this act;

11

12 **35-11-701. Complaint; investigations; conference;**  
13 **cease and desist order; hearing; referee; limitations.**

14

15 (e) No enforcement case or enforcement action for  
16 violations of this act shall be initiated later than five  
17 (5) years after the date of the suspected violation or, for  
18 a continuing violation, the most recent date of the  
19 suspected violation. This subsection shall not apply if  
20 federal law or an agreement between the state of Wyoming  
21 and a federal agency authorizes the state to assume primacy  
22 over regulation and enforcement of a federal law or program  
23 that requires or establishes a different time limitation or

1 no time limitation for initiating enforcement cases or  
2 enforcement actions for violations.

3

4       **Section 2.** For any violation suspected to have  
5 occurred before the effective date of this section, the  
6 director and administrators of the department of  
7 environmental quality shall have five (5) years from the  
8 effective date of this section to initiate an enforcement  
9 case or enforcement action for the violation,  
10 notwithstanding W.S. 35-11-701(e), as created by section 1  
11 of this act.

12

13       **Section 3.** The department of environmental quality  
14 and environmental quality council shall promulgate any  
15 rules necessary to implement the provisions of this act.

16

1           **Section 4.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective immediately upon completion  
5 of all acts necessary for a bill to become law as provided  
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8           (b) Sections 1 and 2 of this act are effective July 1,  
9 2024.

10

11

(END)