

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Limitation on environmental rulemaking.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to environmental quality; requiring the
2 environmental quality council to promulgate rules no more
3 stringent than federal law, rules or regulations; providing
4 exceptions; specifying applicability; requiring rulemaking;
5 requiring reporting; and providing an effective date.

6

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

8

9 **Section 1.** W.S. 35-11-112(a)(i), (g) and by creating
10 a new subsection (h) is amended to read:

11

12 **35-11-112. Powers and duties of the environmental**
13 **quality council.**

1

2 (a) The council shall act as the hearing examiner for
3 the department and shall hear and determine all cases or
4 issues arising under the laws, rules, regulations,
5 standards or orders issued or administered by the
6 department or its air quality, land quality, solid and
7 hazardous waste management or water quality divisions. At
8 the council's request the office of administrative hearings
9 may provide a hearing officer for any rulemaking or
10 contested case hearing before the council, and the hearing
11 officer may provide recommendations on procedural matters
12 when requested by the council. Notwithstanding any other
13 provision of this act, including this section, the council
14 shall have no authority to promulgate rules or to hear or
15 determine any case or issue arising under the laws, rules,
16 regulations, standards or orders issued or administered by
17 the industrial siting or abandoned mine land divisions of
18 the department. The council shall:

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20 (i) Subject to subsection (h) this section,
21 promulgate rules and regulations necessary for the
22 administration of this act, after recommendation from the

1 director of the department, the administrators of the
2 various divisions and their respective advisory boards;

3
4 (g) Subject to subsection (h) of this section, the
5 council shall not promulgate any rules which impose
6 standards or requirements related to meat processing which
7 are more stringent than federal law, rules or regulations.

8
9 (h) The council shall not promulgate any rules or
10 regulations that impose standards or requirements more
11 stringent than federal law, rules or regulations for any
12 federal program that the state maintains primacy over
13 unless the following requirements are satisfied:

14
15 (i) The department identifies the need for rules
16 or regulations that impose standards or requirements more
17 stringent than federal law, rules or regulations in its
18 statement of reasons;

19
20 (ii) The department provides a public comment
21 period of not less than thirty (30) days before holding a
22 public hearing with the appropriate advisory board;

23

1 (iii) The governor submits written approval to
2 the department to proceed with the rulemaking process;

3
4 (iv) The council provides a public comment
5 period not less than forty-five (45) days before holding
6 the council's public hearing;

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8 (v) The legislative management council submits
9 its approval or its recommendations for amendment or
10 recission to the governor and to the department which
11 submitted the rule pursuant to W.S. 28-9-106.

12
13 **Section 2.** Not later than July 2, 2024 and each year
14 thereafter, the director of the department of environmental
15 quality shall report to the joint minerals, business and
16 economic development interim committee a list of existing
17 rules to be reviewed by the director of the department of
18 environmental quality to conform existing rules to the
19 requirements of this act including a timeline for
20 conducting that review. The environmental quality council
21 shall promulgate or repeal any rules necessary to
22 administer this act in accordance with the changes
23 identified by the director of the department of

1 environmental quality. The director of environmental
2 quality shall review new and amended rules and update the
3 statement of reasons to comply with the requirements of
4 this act.

5

6 **Section 3.** This act is effective July 1, 2024.

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8

(END)