



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE May 14, 2024

TO Members, Regulatory Reduction Task Force

FROM TaLise Hansen, Staff Attorney

SUBJECT Regulatory Reduction Task Force 2023 Interim Summary and 2024 Interim

INTRODUCTION

The Regulatory Reduction Task Force (Task Force) was authorized by Management Council in March 2023 to examine rules, regulations, statutes, and processes affecting the mining, agricultural, and construction industries. The Task Force's goal was to reduce and streamline regulations to continue making Wyoming a business-friendly state. Specifically, Management Council directed the Task Force to examine federally mandated state programs that the state exercises primacy over the federal government and identify areas where administrative rules and statutes in Wyoming may be reduced. Management Council also assigned the Task Force to examine regulatory burdens on the construction industry that increase costs or prolong permitting and licensing processes. This memorandum summarizes the Task Force's meetings and work completed during the 2023 interim and outlines the Task Force's scope and composition for the 2024 interim.

SUMMARY OF THE 2023 INTERIM

The Task Force's interim work began with a one-day meeting in Cheyenne on June 19, 2023 to help direct the Task Force's interim work. At this meeting, the Task Force collected input from the executive branch, local governments, and industry groups to identify areas where the Task Force could address problems regarding regulations. At the conclusion of this meeting, the Task Force created three working groups focused on agriculture, energy, and housing issues.

Each of the working groups met for half-day virtual meetings on July 31, 2023 or August 1, 2023. The Agriculture Working Group heard testimony from the Department of Agriculture, which led to the request of two bill drafts that would eliminate obsolete statutory language, to be considered by the full Task Force. The Housing Working Group continued to gather information from local governments and other stakeholders on the challenges being faced in the housing market in Wyoming: namely, affordability and availability. Finally, the Energy Working Group heard from

the Department of Environmental Quality (DEQ) and industry stakeholders and requested four bill drafts to be considered by the full Task Force.

The full Task Force met again on September 20-21, 2023 in Lander. At this two-day meeting the Task Force received updates from the three working groups, including any bill drafts forwarded by the working groups, and received reports from executive branch agencies, industry groups, and local governments. The Task Force indefinitely tabled three bill drafts from the Energy Working Group. The first was 24LSO-0207, Environmental enforcement actions-statute of limitations, which would establish a five-year statute of limitations for enforcement actions for environmental quality violations. Although the Task Force indefinitely tabled this bill draft, the Joint Minerals, Business and Economic Development Interim Committee (Joint Minerals Committee) is considering this topic at its May 2024 interim meeting. The second was 24LSO-0219, Carbon sequestration permit amendments, which would eliminate provisions related to the issuance of draft sequestration permits by DEQ and specify that permits may be issued that authorized the construction of an injection well and sequestration. Although the Task Force indefinitely tabled this bill draft, the concept was forwarded to the Joint Minerals Committee. The Joint Minerals Committee incorporated this concept into 2024 House Bill 32, Geologic sequestration-unitization amendments, which was enacted into law during the 2024 Budget Session. The third was 24LSO-0220, Environmental quality permit public notice, which would authorize public notices required for permits issued by DEQ to be posted in a newspaper of statewide circulation or electronically on DEQ's website. The Task Force also tabled 24LSO-0206, Limitation on environmental rulemaking, to be considered at its next meeting.

At the September meeting, the Task Force voted unanimously to forward two bill drafts to the Joint Agriculture, State and Public Lands, and Water Resources Interim Committee (Joint Agriculture Committee) for its consideration. The first was 24LSO-0204, Wyoming dairy marketing act-repeal, which would repeal the Wyoming Dairy Marketing Act of 1971. The second was 24LSO-0205, Flow-through pools-exemption, which would exempt flow-through pools from the Public Pool and Spa Health and Safety Act and would provide a definition of flow-through pools. The Joint Agriculture Committee voted unanimously to sponsor both bills (2024 House Bill 12 and 2024 House Bill 13) for the 2024 Budget Session and both bills were enacted into law.

At the Task Force's next meeting held online on November 9, 2023 the Task Force considered three housing bill drafts. The first was 24LSO-0280, Accessory residential units-permits, which would establish parameters for all municipalities and counties in the State to provide building permits for accessory residential units on the same lot or parcel as a single-family dwelling. The Task Force voted to forward the bill draft to a committee of the co-chairmen's choosing. The co-chairmen forwarded the bill draft to the House Appropriations Committee for consideration. However, the House Appropriations Committee did not consider the bill draft before the 2024 Budget Session. The second was 24LSO-0286, Property development exactions, which would provide limitations on the imposition of mitigation or exaction fees imposed by governmental entities. The third was 24LSO-0297, Building permit notice requirements, which would require all entities responsible for the issuance of building permits to provide updates on the permit approval process. After some discussion, the Task Force determined that it needed more information to adequately consider 24LSO-0286 and 24LSO-0297 and indefinitely tabled both of those bill drafts.

WYOMING LEGISLATIVE SERVICE OFFICE *Memorandum*

At the November meeting, the Task Force considered one energy bill draft: 24LSO-0206, Limitation on environmental rulemaking. This bill draft would prohibit the Environmental Quality Council from promulgating any rules that impose standards or requirements more stringent than federal law, rules, or regulations for any federal program that the state maintains primacy over, unless certain requirements are satisfied. The Task Force amended 24LSO-0206 and unanimously forwarded the bill draft to the Joint Minerals Committee. The next day, the Joint Minerals Committee further amended and sponsored the bill (2024 House Bill 35) for the 2024 Budget Session, which was enacted into law.

Overall, the Task Force considered a total of nine bill drafts during the 2023 interim. Four out of nine bill drafts were forwarded to another committee for consideration and sponsorship. Three bills (2024 House Bill 12, 2024 House Bill 13, and 2024 House Bill 35) were sponsored for the 2024 Budget Session and enacted into law.

2024 INTERIM

During the 2024 Budget Session, 2024 Senate File 2, Legislative budget, reauthorized and continued the Task Force as it existed during the 2023 interim, until December 31, 2024. Management Council then amended the scope and composition of the Task Force at its April 2024 meeting. Management Council decreased the scope of the Task Force by removing the agriculture industry and focusing the Task Force on the housing and energy industries. Further, Management Council changed the composition of the Task Force by removing the director of the Department of Agriculture, or his designee, and a member of the agriculture industry, adding a current or former elected city government official, in addition to a current or former elected county government official, adding another member of the business community, and adding two legislative members. The Task Force is authorized a total of five meeting days during the 2024 interim.

Please let me know if you have any questions or need further information.