

HOUSE BILL NO. HB0032

Environmental quality council-amendments.

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

A BILL

for

1 AN ACT relating to environmental quality; amending staffing
2 requirements, duties and procedures for the environmental
3 quality council; amending the duties of the director of the
4 department of administration and information and the director
5 of the department of environmental quality related to the
6 environmental quality council; amending duties of the
7 department of environmental quality's advisory boards; and
8 providing for an effective date.

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

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12 **Section 1.** W.S. 9-2-1003 by creating a new subsection
13 (f), 35-11-111(d), 35-11-112(a)(ii), (d) and (e) and
14 35-11-114(b) are amended to read:

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1 **9-2-1003. Director and division administrators;**
2 **appointment; removal; powers of director.**

3
4 (f) The director shall administer through his office or
5 through a division of the department the duties required under
6 W.S. 35-11-112(d).

7

8 **35-11-111. Independent environmental quality council**
9 **created; removal; terms; officers; meetings; expenses.**

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11 (d) The council shall hold at least four (4) regularly
12 scheduled meetings each year. Special meetings may be called
13 by the chairman, and special meetings shall be called by the
14 chairman, upon a written request submitted by the director or
15 three (3) or more members. Four (4) members shall constitute
16 a quorum. All matters shall be decided by a majority vote of
17 those on the council.

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19 **35-11-112. Powers and duties of the environmental**
20 **quality council.**

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22 (a) The council shall act as the hearing examiner for
23 the department and shall hear and determine all cases or

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

16

17 (ii) Conduct hearings as required by the Wyoming
18 Administrative Procedure Act for the adoption, amendment or
19 repeal of rules, regulations, ~~or~~ standards ~~or orders when~~
20 recommended by the director after the director consults with
21 the advisory boards ~~through and~~ the administrators. ~~and the~~
22 ~~director.~~ The council shall approve all rules, regulations,

1 ~~and~~ standards ~~or orders~~ of the department before they become
2 final;

3
4 (d) The ~~director and his staff shall provide the~~
5 council with council may employ an executive officer and staff
6 who shall serve at the pleasure of the council. The executive
7 officer and other staff members shall perform duties as the
8 council may assign, including preparing meeting facilities,
9 and completing administrative, secretarial ~~or clerical~~
10 assistance, supplies and such other assistance as the council
11 may require in the performance of its duties and other
12 functions. The chair of the council and the director of the
13 department of administration and information or his designee
14 shall coordinate on hiring and evaluating the executive
15 officer and other staff members. The department of
16 administration and information shall provide suitable office
17 space for the executive officer and other staff members and
18 shall ensure that any employment authorized under this
19 subsection complies with title 9, chapter 2, article 10 of
20 the Wyoming statutes. The council may negotiate and enter
21 into appropriate memoranda of understanding with the
22 department of administration and information to facilitate
23 the staffing needs required under this subsection.

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2 (e) ~~Upon request,~~ The attorney general shall provide
3 ~~such~~ legal assistance as the council may require in the
4 ~~conduct of its hearings, writing of its decisions or the~~
5 ~~enforcement of its orders. The council may employ independent~~
6 ~~legal assistance as necessary to the~~ proper performance of
7 its duties.

8

9 **35-11-114. Powers and duties of the advisory boards.**

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11 (b) The advisory board shall ~~recommend to the council~~
12 ~~through~~ consult with and advise the administrator and
13 director on the adoption of rules, regulations and standards
14 to implement and carry out the provisions and purposes of
15 this act which relate to their divisions, and variances
16 therefrom.

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18 **Section 2.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law as
20 provided by Article 4, Section 8 of the Wyoming Constitution.

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22

(END)