

ENROLLED ACT NO. 33, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

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

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

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

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

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

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

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

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

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

(ii) Conduct hearings as required by the Wyoming Administrative Procedure Act for the adoption, amendment or repeal of rules, regulations, ~~or~~ standards ~~or orders~~ when recommended by the director after the director consults with the advisory boards through and the administrators. and the director. The council shall approve all rules, regulations, ~~and~~ standards ~~or orders~~ of the department before they become final;

(d) The ~~director and his staff shall provide the council with~~ council may employ an executive officer and staff who shall serve at the pleasure of the council. The executive officer and other staff members shall perform duties as the council may assign, including preparing meeting facilities, and completing administrative, secretarial ~~or clerical assistance, supplies and such other assistance as the council~~

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~~may require in the performance of its duties and other functions. The department of administration and information shall provide suitable office space for the executive officer and other staff members and shall ensure that any employment authorized under this subsection complies with title 9, chapter 2, article 10 of the Wyoming statutes. The council may negotiate and enter into appropriate memoranda of understanding with the department of administration and information to facilitate administrative support, accounting functions and staffing needs required under this subsection.~~

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

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

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

ORIGINAL HOUSE  
BILL NO. HB0032

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk