

HB 295 -- Environmental Rules

Co-Sponsors: Sander, Stevenson, Townley, Hunter, Wilson (130)

This bill requires all rules promulgated by the Department of Natural Resources, the Hazardous Waste Management Commission, the State Soil and Water Districts Commission, the Petroleum Storage Tank Insurance Fund Board, the Land Reclamation Commission, the Safe Drinking Water Commission, the Air Conservation Commission, and the Clean Water Commission to be based on sound scientific evidence. The department must also prepare a risk assessment and a cost-benefit analysis for all proposed rules. Assessments and analyses must be based on objective scientific standards and evidence, made available for public comment on the Internet for at least 60 days, and filed with the Joint Committee on Administrative Rules. Anyone may submit an independent risk assessment or cost benefit analysis for a proposed rule or covered action to the department or the appropriate commission for consideration and inclusion in the record.

If the department does not conduct the risk assessment and the cost-benefit analysis, the proposed rule is invalid unless the director determines that immediate action is necessary to protect public health and welfare. The director must justify this action in writing, and the department must complete an assessment and analysis within 45 days after the rule is adopted.

The bill also:

- (1) Places the burden of proof on the department and its commissions to prove that a rule is necessary to prevent specific circumstances or conditions that harm human health and the environment;
- (2) Requires the department and its commissions to clearly state the reason for permit denials; and
- (3) Repeals the provision that allows affected parties to appeal decisions of the director of the department to the appropriate board or commission.