

SENATE FILE NO. SF0067

Administrative rules-streamlining.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to administrative procedure; amending and  
2 clarifying specified requirements for the adoption of  
3 rules; providing for authority to repeal obsolete rules;  
4 providing for the preparation and adoption of certain  
5 uniform rules; providing for exceptions; and providing for  
6 an effective date.

7

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

9

10 **Section 1.** W.S. 16-3-102 by creating new subsections  
11 (d) and (e), 16-3-103(a)(i) by creating new subparagraphs  
12 (J) and (K), (h)(i), (iii), (iv) and by creating a new  
13 subsection (j) and 16-4-204 by creating a new subsection  
14 (e) are amended to read:

15

16 **16-3-102. General rulemaking requirements; assistance**  
17 **and authority of attorney general.**

1

2       (d) The office of administrative hearings shall adopt  
3 uniform rules for the use of state agencies setting forth  
4 the nature and requirements of all formal and informal  
5 procedures available in connection with contested cases.

6

7       (e) The attorney general may repeal administrative  
8 rules of a state agency in accordance with this act if the  
9 rules have become obsolete and no other existing agency has  
10 authority to repeal the rules.

11

12       **16-3-103. Adoption, amendment and repeal of rules;**  
13 **notice; hearing; emergency rules; proceedings to contest;**  
14 **review and approval by governor.**

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16       (a) Prior to an agency's adoption, amendment or  
17 repeal of all rules other than interpretative rules or  
18 statements of general policy, the agency shall:

19

20           (i) Give at least forty-five (45) days notice of  
21 its intended action. Notice shall be mailed to all persons  
22 making timely requests of the agency for advanced notice of  
23 its rulemaking proceedings and to the attorney general, the  
24 secretary of state's office as registrar of rules, and the

1 legislative service office if a state agency. The agency  
2 shall submit a copy of the proposed rules, in a format  
3 conforming to any requirements prescribed pursuant to  
4 subsection (f) of this section, with the notice given to  
5 the legislative service office. The notice shall include:

6

7 (J) A concise statement of the principal  
8 reasons for adoption of the rule. In compliance with *Tri-*  
9 *State Generation and Transmission Association, Inc. v.*  
10 *Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979),  
11 the statement shall include a brief explanation of the  
12 substance or terms of the rule and the basis and purpose of  
13 the rule;

14

15 (K) If a state agency is proposing a rule  
16 that differs from the uniform rules listed in subsection  
17 (j) of this section, a statement of the reasons for varying  
18 from the uniform rules.

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20 (h) An agency may incorporate, by reference in its  
21 rules and without publishing the incorporated matter in  
22 full, all or any part of a code, standard, rule or  
23 regulation that has been adopted by an agency of the United

1 States or of this state, another state or by a nationally  
2 recognized organization or association, provided:

3

4 (i) The agency determines that incorporation of  
5 the full text in agency rules would be ~~unduly cumbersome or~~  
6 ~~expensive~~ cumbersome or inefficient given the length or  
7 nature of the rules;

8

9 (iii) The agency, organization or association  
10 originally issuing the incorporated matter makes copies of  
11 it readily available to the public; ~~and the rules of the~~  
12 ~~incorporating agency state where such copies are available,~~

13

14 (iv) The incorporating agency maintains and  
15 makes available for public inspection a copy of the  
16 incorporated matter at cost from the agency and the rules  
17 of the incorporating agency state where ~~copies of the~~  
18 incorporated matter ~~are available at cost are available~~  
19 ~~from the incorporating agency~~ is available on the internet  
20 as defined in W.S. 9-2-1035(a)(iii); and

21

22 (j) Each state agency shall adopt as much of the  
23 uniform rules promulgated pursuant to the following  
24 provisions as is consistent with the specific and distinct

1 requirements of the agency and state or federal law  
2 governing or applicable to the agency:

3

4 (i) W.S. 16-3-102(d);

5

6 (ii) W.S. 16-3-204(e).

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8 **16-4-204. Right of inspection; copies, printouts or**  
9 **photographs; fees.**

10

11 (e) The department of administration and information  
12 shall adopt uniform rules for the use of state agencies  
13 establishing procedures, fees, costs and charges for  
14 inspection, copies and production of public records under  
15 W.S. 16-4-202(d)(i), 16-4-203(h)(i) and 16-4-204.

16

17 **Section 2.** This act is effective July 1, 2014.

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(END)