

ORIGINAL HOUSE  
BILL NO. 0063

ENROLLED ACT NO. 53, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

AN ACT relating to administrative rules; modifying provisions regarding public comment periods for administrative rules; modifying and clarifying provisions regarding the adoption of emergency rules; modifying provisions regarding the time for filing state agency rules; modifying provisions relating to legislative review of state agency rules; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 16-3-103(a)(ii)(intro) and (b), 16-3-104(a), 28-9-103(b), 28-9-104(a) and 28-9-106(a) are amended to read:

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

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

(ii) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing, provided this period shall consist of at least forty-five (45) days from the latter of the dates specified under subparagraph (A) of this paragraph, and provided:

(b) When an agency finds that an emergency requires the agency to proceed without notice or opportunity for hearing required by ~~paragraph (a)(i)~~ subsection (a) of this section, it may adopt emergency rules. An emergency rule is effective when filed. A state agency emergency rule shall bear the endorsement of the governor's concurrence on the

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finding of emergency before the registrar of rules accepts the rule for filing. The rule so adopted shall be effective for no longer than one hundred twenty (120) days but the adoption of an identical rule under W.S. 16-3-103(a) ~~(i)~~ or of an emergency rule under this subsection is not precluded. In no case shall identical or substantially similar emergency rules be effective for a total period of more than two hundred forty (240) days. A local agency may proceed with the emergency rule when notice of the emergency is filed with the local registrar of rules.

**16-3-104. Filing of copies of rules; permanent register; effective dates; manner of preparation; advice and assistance of attorney general.**

(a) Each agency shall file in the office of the registrar of rules a certified copy of each rule adopted by it as approved by the governor. State agencies shall file each rule within ~~sixty (60)~~ seventy-five (75) days of the date of agency action adopting the rule or it is not effective. ~~Except for emergency rules and rules adopted by the game and fish commission fixing general hunting or fishing regulations, season or bag limits or establishing hunting areas, no state agency shall file a rule in the office of the registrar of rules sooner than forty (40) days after filing the rule with the legislative service office pursuant to W.S. 28-9-103(b).~~ There shall be noted upon the rule a citation of the authority by which it or any part of it was adopted. The registrar of rules shall keep a permanent register of the rules open to public inspection. Not more than ten (10) days after a state agency files a copy of a rule in the office of the registrar of rules, the agency shall mail a notice that the rule has been filed to each person who was sent a notice under W.S. 16-3-103(a)(i). The notice shall contain a citation to the rule and the date it was filed. Failure to

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send the notice required under this subsection does not affect the effectiveness of the rule.

**28-9-103. Submission of rules for review; notice to legislators.**

(b) An agency shall submit copies of adopted, amended or repealed rules to the legislative service office for review pursuant to W.S. 28-9-104 within ~~five (5)~~ ten (10) days after the date of the agency's final action adopting, amending or repealing those rules.

**28-9-104. Review procedure; time for review; criteria for review.**

(a) ~~Except as otherwise provided in this subsection,~~ The legislative service office shall review rules submitted under W.S. 28-9-103(b) and report its findings to the council. at the next regular council meeting scheduled more than ten (10) days after the rules were submitted. The legislative service office shall review new rules and include therein any comments from the primary sponsor of the legislation, the chairman of the interim or standing committee which sponsored or acted upon the legislation authorizing the new rules and any other legislator submitting comments, and shall report their findings to the council. at the next regular council meeting scheduled more than thirty (30) days after the new rules were submitted. The report required under this subsection shall be submitted to the council:

(i) Within fifteen (15) days after the rules were submitted under W.S. 28-9-103(b); or

(ii) If the legislature is in session at the time the report would otherwise be due under paragraph (i)

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of this subsection, then within ten (10) days after the adjournment of the session.

**28-9-106. Council recommendations to the agency; time.**

(a) ~~Within five (5) days, excluding Saturdays, Sundays and legal holidays, after the meeting at which the council received the legislative service office report under W.S. 28-9-104(a),~~ The council shall submit its approval or its recommendations for amendment or rescission to the governor and to the agency which submitted the rule.

**Section 2.** The amendments to W.S. 16-3-103(a)(ii) made by this act shall be applicable only to rules for which notice of intended action was provided after the effective date of this act.

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**Section 3.** 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