



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name*			
b. Agency/Board Address	c. City	d. Zip Code	
e. Name of Agency Liaison	f. Agency Liaison Telephone Number		
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

	Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

	A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____
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c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

	Applicable Federal Law or Regulation Citation: Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

- These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).
- The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

- These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

- The Statement of Principal Reasons is attached to this Notice and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.
- If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

AERONAUTICS SECTION

Proposed for REPEAL

Chapter 1, Information Practices

Chapter 1, Information Practices, is a rule and regulation of the Wyoming Department of Transportation. This rule derives from an Executive Order, dated March 7, 1975, which was repealed by Executive Order 1994-9. Both of these executive orders were rescinded by Executive Order 2011-1.

This proposed repeal follows Governor Mead's agency directive to remove those rules not required by statute, needed to conduct agency business, or referenced elsewhere.

CHAPTER 1
INFORMATION PRACTICES

Repealed

CHAPTER I

INFORMATION PRACTICES

Repealed

~~Section 1. Introduction. These rules are intended to insure that all records of the Wyoming Aeronautics Commission that identify or describe any individual or things done by or to such individual are accurate, pertinent, complete, timely, relevant and reasonably secure from unauthorized access. It is the policy of the Wyoming Aeronautics Commission to provide the means for individuals to know all of the Department's personal information systems and the recipients and usage made of such information as well as the procedures for individual review and updating of relevant personal information.~~

Section 2. Definitions.

- ~~a. Access means the ability to obtain the information contained in a record of the Department.~~
- ~~b. Department means the Wyoming Aeronautics Commission.~~
- ~~c. Disclosure means providing an individual or agency (other than those authorized access for routine use) the information contained in a record.~~
- ~~d. Individuals are all persons on whom the Department keeps records or maintains information.~~
- ~~e. Records are any grouping of information about an individual that is maintained in the files of the Department that contains a name or identifying number or symbol assigned to the individual and other information such as education, financial transactions, medical, criminal or employment history.~~
- ~~f. Routine use is the use of a record for the purpose for which it was collected. Publication of information from ad valorem tax returns shall be considered a routine use.~~
- ~~g. Statistical record is a record kept for statistical research or reporting purposes only and not used in a determination about an identifiable individual.~~

~~Section 3. Exceptions to Disclosure. The Department shall not disclose any record by any means of communication to any person who is not an individual to whom the record pertains, except:~~

- ~~a. Upon written request or with prior written consent of the individual to whom the record pertains, the Department may disclose any such record to any person or agency.~~
- ~~b. If the individual has not given the Department written consent, the Department may~~

~~disclose any such record if the disclosure is:~~

~~(1) To officers and employees of the Department who have a need for the record in order to carry out legally delegated duties of administering or enforcing the laws of the state of Wyoming or its political subdivisions;~~

~~(2) For a routine use;~~

~~(3) To a recipient who has provided the Department with adequate advance written assurance that the record will be used solely as statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;~~

~~(4) To the State Archives as a record which warrants continued preservation;~~

~~(5) To another governmental agency for civil or criminal law enforcement activity, provided the requesting agency has made a prior written request to the Department specifying the particular record and the enforcement activity for which it is sought;~~

~~(6) To a person showing a compelling circumstance affecting the health or safety of an individual.~~

~~(7) An order of a court of competent jurisdiction.~~

Section 4. Request for Access. Individuals may request disclosure to them of the information pertaining to them in the Department's records. Each request must contain the name and address of the individual and the name of particular records on which the disclosure is to be made. A determination will be made whether the Department's records contain information pertaining to the individual. The individual may be asked for additional information to assist the Department in making the determination; however, the determination shall not be contingent upon the furnishing of the additional information.

Section 5. Procedure for Access. The Department will respond to requests for access within ten working days and if disclosure was requested, specify the time and place where disclosure is to be made, the requirements for identification of the requesting individual, and the name of the person in the Department to contact.

a. The individual may be accompanied by another person of his or her choosing.

b. The time of disclosure will be during regular working hours.

c. Identification requirements shall be a standard picture and signature identification card, such as a driver's license. Signatures must compare on the original request, the identification card, and an attestation statement acquired from the individual prior to the disclosure. This statement shall be signed by the individual.

Section 6. Disclosure. The Department will, after approving a request for disclosure, provide that individual at the set time and place, whatever information pertaining to the individual the records specified contain.

~~Section 7. Correction or Amendment.~~ The individual to whom the record pertains may request that the record be corrected or amended by giving the Department a written request. The request should contain the identifying information contained in the request for disclosure and indicate what information should be corrected or amended. Within ten working days, the Department shall either make the requested correction or inform the individual of its refusal to do so, together with the reasons for the refusal. The Department's actions may be reviewed pursuant to the Wyoming Administrative Procedure Act, Sections 9-276.19 et seq., W.S. 1957.

~~Section 8. Fees.~~ Copies of the requested information will be provided for a fee of \$1.00 per page. No fee shall be charged for:

- a. Requests from an employee or former employee of the Department for copies of personal records of the employee.
- b. requests from governmental subdivisions.

~~Section 9. Maintenance of Records.~~ The Department shall:

- a. Maintain in its records only information about an individual necessary to accomplish the Department's purposes required by statute.
- b. Collect information to the greatest extent possible directly from the subject individual.
- c. Inform each individual asked to supply information of the principal purpose or purposes for which the information is to be used, the routine uses that may be made of the information, and the effects, if any, on the individual for not providing the requested information.

~~Section 10. Mailing Lists.~~ An individual's name and address shall not be sold or rented unless such action is specifically authorized by law.