



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 Repealed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 Repealed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 Repealed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 Repealed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 Repealed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:

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

At the following URL: _____

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:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

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:

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

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>	

STATEMENT OF PRINCIPAL REASONS
FOR FORMAL ADOPTION OF REGULAR RULES

The Wyoming Military Department is proposing to repeal one chapter of its rules:

- Chapter 5 – Wyoming First Responder Fund

Currently, all of the Department's rules are all listed in separate programs. This chapter is being repealed to reorganize the Wyoming Military Department's rules into one program and to renumber the chapters for clarity.

In order to reorganize its rules, the Wyoming Military Department will also be creating four other rules packets. Three other rules packets will propose to repeal existing chapters, and one packet to amend six chapters of rules and create one chapter of new rules. The other packets will proceed through the rules promulgation process simultaneously with this packet, to ensure that the Wyoming Military Department is not without rules for a period of time. In addition to reorganization, the Wyoming Military Department is proposing to amend all chapters to clarify existing language and streamline its rules in accordance with the Governor's directive. The statement of reasons in that packet the packet amending one chapter and creating five others will detail the proposed amendments.

Chapter 5

Wyoming First Responder Fund

Repealed

Chapter 5

Wyoming First Responder Fund

Repealed

~~Section 1. Authority.~~ These rules are promulgated by authority of W.S. 19-11-115(f).

~~Section 2. Purpose.~~ The Wyoming First Responder Fund provides payment of employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year, if the payment is permitted by the Internal Revenue code, these rules specifically establish the method for application for funds from the First Responder Fund for persons specified in W.S. § 19-11-155 (and that are not serving in the Wyoming national guard).

~~Section 3. Implementation.~~ The Adjutant General, or his designee, is permitted to exercise wide latitude of good faith discretion in administering the rules set forth herein. Moreover, the Adjutant General, or his designee possess discretion to waive the requirements set forth herein that are not specifically established by statute.

~~Section 4. Eligibility Requirements.~~

~~(a) A person not serving in the Wyoming national guard is eligible to apply for and receive funds from the First Responder fund if they are:~~

~~(i) A resident of Wyoming at the time they are called or ordered into federal service with a National Guard unit in any state in the United States. Residency will be determined by the "Home of Record" on the Title 10 order (which is the federal document that is used to call or order a person into federal service with a national guard unit in any state); and~~

~~(ii) Whose primary occupation is that of a first when they are called or ordered into the federal service with a National Guard unit in any state in the United States. "First responder" is an individual who in the initial stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers, emergency management, public health, public safety, clinical care, public works, and other skilled support personnel that provide immediate support services during prevention, response, and recovery operations.~~

~~Section 5. Application Process.~~

~~(a) Applicants may apply for funds from the First Responder Fund by submitting a completed application packet that contains the following:~~

~~(i) — Application for First Responder Fund (applications are available from the Wyoming Military Department);~~

~~(ii) — State of Wyoming WOLFS 109(a) to be filled out for the applicant's employer or the Fund;~~

~~(iii) — Current statement from applicant's retirement account(s);~~

~~(iv) — Letter from applicant's employer itemizing employee and employer contribution amounts that would have been paid if the employee had not been ordered into federal service with a national guard unit in any state in the United States, or were paid during the period of time the employee was called or ordered into federal service with a national guard unit~~

~~(v) — Title 10 orders calling the applicant into federal service;~~

~~(vi) — DD Form 214, 215 or NGB 22;~~

~~(b) — Send applications packet to: Wyoming Military Department, Attn: State Military Affairs Division, 5500 Bishop Blvd., Cheyenne, WY 82009.~~

~~(c) — Once the application packet and supporting materials have been received and reviewed, the Adjutant General or his designee will notify the applicant if he/she is eligible for funds from the Fund and the amount of the award.~~

~~(d) — The amount of any award is at the sole discretion of the Adjutant General.~~

Section 6. — Payments.

~~(a) — Employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year from the first date of eligibility may be paid by the Adjutant General if the payment is permitted by the Internal Revenue Code. Payment shall be made upon termination of Title 10 orders.~~

~~(b) — Over payments or incorrect payments shall be reimbursed by the responsible party to the First Responder Fund within 30 days of notification.~~