

ENROLLED ACT NO. 59, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to administrative procedure; requiring the completion of economic analyses for major administrative rules; amending the process for legislative review and notice of rules; making conforming amendments; specifying applicability; requiring a study and a report; providing an appropriation; authorizing additional positions; and providing for effective dates.

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

Section 1. W.S. 28-9-109 is created to read:

28-9-109. Agency rules; analysis and review.

(a) The legislative service office shall review each major rule submitted under this act and report the review in accordance with this section.

(b) For each major rule submitted under this act, the legislative service office shall:

(i) Not later than fifteen (15) days after the major rule was submitted under W.S. 28-9-103(b), provide the major rule to each member of the legislature;

(ii) Not later than the time specified in subsection (e) of this section, complete a regulatory impact analysis in accordance with subsection (c) of this section.

(c) Each regulatory impact analysis of a major rule shall include:

(i) A statement of need for the major rule, provided by the agency promulgating the major rule;

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(ii) The statutory authority for the promulgation of the major rule;

(iii) An examination of alternatives to the enactment of the major rule;

(iv) An evaluation of the costs and benefits for the major rule, including:

(A) Estimated primary or direct benefits accruing as a result of the major rule;

(B) Estimated cost savings or financial benefits to the state and its residents and businesses;

(C) Estimated compliance costs for regulated entities subject to the major rule;

(D) Estimated secondary or indirect costs associated with the major rule;

(E) Estimated effect on state revenue;

(F) Estimated effect on state expenditures, including estimated administrative expenses;

(G) Estimated opportunity costs. For purposes of this subparagraph, the cost of compliance in terms of any resulting removal of private capital from the market shall be included in the analysis;

(H) The sources consulted to complete the analysis;

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(J) Key assumptions made and sources of uncertainty with the analysis;

(K) Any other information the legislative service office determines would be beneficial for legislative consideration of the major rule.

(d) Upon completing a regulatory impact analysis, the legislative service office shall provide the analysis to each member of the legislature and shall make the analysis available to the public.

(e) The legislative service office shall complete each regulatory analysis not later than fifty (50) days after the major rule was submitted for review under W.S. 28-9-103(b).

(f) To the extent resources are available, the council may direct the legislative service office to perform a regulatory impact analysis for any existing major rule.

(g) The legislative service office may request any information, expertise or assistance from an agency promulgating a major rule. Upon receiving a request under this subsection, the agency shall provide all information and assistance necessary for the legislative service office to complete the regulatory impact analysis required under this section.

(h) "Major rule" means a rule, including an emergency rule, designated by management council under W.S. 28-9-109 that will result in or is likely to result in one (1) or more of the following:

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(i) An annual impact on the economy of Wyoming that will result in direct or indirect costs of not less than one million dollars (\$1,000,000.00);

(ii) Significant adverse effects on competition, employment, investment, productivity or innovation in the state, including significant adverse effects on individual industries or regions within Wyoming.

Section 2. W.S. 28-9-101(a)(iv), 28-9-103(d) and by creating a new subsection (e), 28-9-104(a)(intro) and 28-9-107 by creating a new subsection (d) are amended to read:

28-9-101. Definitions.

(a) As used in this act:

(iv) "This act" means W.S. 28-9-101 through ~~28-9-108~~ 28-9-109.

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

(d) Upon receipt of an agency's notice to adopt new rules pursuant to W.S. 16-3-103(a)(i), the legislative service office shall give notice to the primary sponsor of the legislation, to members of the interim or standing committee which sponsored or acted upon the legislation authorizing the new rules and to ~~any~~ every other legislator. ~~requesting notification.~~ The notice given by the legislative service office shall state a copy of the rules will be sent if requested. Notice under this subsection is not required for persons not currently serving in the legislature.

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(e) Upon receipt of an agency's notice to adopt rules under W.S. 16-3-103(a)(i), the legislative service office shall give notice to each legislator.

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

(a) The legislative service office shall review rules submitted under W.S. 28-9-103(b) and report its findings to the council. 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. The legislative service office shall review all major rules in accordance with W.S. 28-9-109. The report required under this subsection shall be submitted to the council:

28-9-107. Legislative orders; action required; implementation and enforcement of rules.

(d) If the council, management audit committee, a joint interim committee or any legislator determines that it is appropriate after reviewing the results of the analysis completed under W.S. 28-9-109, the council, a joint interim committee or any legislator may introduce legislation in the next succeeding legislative session following the completion of the analysis to obtain a legislative order to prohibit the implementation or enforcement of the major rule.

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Section 3. This act shall apply to all rules for which notice is given under W.S. 16-3-103(a)(i) on and after July 1, 2026.

Section 4. During the 2025 interim, the management audit committee of the Wyoming legislature shall study this act and its relation to existing statutory provisions concerning the legislative role in the administrative rule review process. The management audit committee shall receive all assistance requested from the legislative service office and executive branch agencies while conducting the study required by this section. Not later than December 1, 2025, the management audit committee shall report to the management council on the conclusion of the study required by this section. The report shall include, but not necessarily be limited to, the appropriate legislative role in overseeing administrative rules and the regulatory impact thereof, the legislative staff required to assist the legislature in completing this role, which legislative body should oversee this role when the legislature is not in session and any statutory changes necessary to effectuate the findings in the report. The management audit committee or management council may sponsor legislation during the 2026 budget session to effectuate the findings of the report. Funding for legislative staff necessary to effectuate the findings of the report required by this section may be included in the 2025 legislative appropriations bill.

Section 5.

(a) There is appropriated four hundred thousand dollars (\$400,000.00) from the general fund to the legislative service office for the purposes of hiring not more than two (2) full time equivalent employees to perform

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the functions specified in this act. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall remain in effect and shall not lapse or revert at the end of the fiscal biennium except upon further legislative action.

(b) The legislative service office may take any action necessary to implement this act before July 1, 2026, including the hiring of positions to implement this act.

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Section 6.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2026.

(b) Sections 3 through 6 of this act are 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 Senate.

Chief Clerk