

## HOUSE BILL NO. HB0312

Administrative rules-independent review and analysis.

Sponsored by: Representative(s) Wasserburger

A BILL

for

1 AN ACT relating to administrative procedure; creating the  
2 regulatory review office; specifying duties and powers of  
3 the office; requiring analyses for each rule promulgated  
4 under the Wyoming Administrative Procedure Act; requiring  
5 reports; authorizing positions; providing an appropriation;  
6 specifying applicability; and providing for effective  
7 dates.

8

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

10

11 **Section 1.** W.S. 16-3-103.1 is created to read:

12

13 **16-3-103.1. Regulatory review office; duties; powers;**  
14 **cost-benefit analysis required; sunset of rules.**

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1           (a) The regulatory review office is hereby created  
2 within the office of the governor. The administrative head  
3 of the office shall be a director, who shall be appointed  
4 by the governor. Subject to available funding, the director  
5 may employ qualified persons to assist in the  
6 implementation of the duties and powers of the office. The  
7 governor shall include in the budget submitted for the  
8 office of the governor a budget for the regulatory review  
9 office.

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11           (b) The regulatory review office shall:

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13                   (i) Review each rule formulated or adopted by  
14 each agency to:

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16                           (A) Ensure compliance with this act and the  
17 procedures associated with promulgating rules under this  
18 act;

19

20                           (B) Ensure and maintain consistency among  
21 rules promulgated by all agencies;

22

1                   (C) Complete the cost-benefit analysis  
2 required under this section.

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4                   (ii) Oversee the development of all annual  
5 regulatory plans submitted in accordance with subsection  
6 (c) of this section and review the completed annual  
7 regulatory plans;

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9                   (iii) Conduct cost-benefit analyses of each rule  
10 in accordance with subsection (d) of this section;

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12                   (iv) Coordinate with the governor, the  
13 governor's designee and the attorney general in the  
14 promulgation of rules under this act;

15

16                   (v) Coordinate with each agency to streamline  
17 all current rulemaking processes across all agencies,  
18 including the promulgation of rules in accordance with this  
19 act;

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21                   (vi) If requested by an agency, provide  
22 technical assistance with the promulgation of rules under  
23 this act;

1

2           (vii) Not less than one (1) time every five (5)  
3 years, conduct a systematic review of all rules promulgated  
4 by each agency to:

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6           (A) Ensure consistency and, where possible,  
7 uniformity among all agency rules;

8

9           (B) Determine whether changes in rules are  
10 necessary in light of current law;

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12           (C) Determine whether any rules should be  
13 recommended for repeal or sunset because the rules are  
14 outdated, burdensome, obsolete or otherwise are not in  
15 accordance with law or current standards for rules.

16

17           (viii) Not later than November 1 of each year,  
18 report to the governor, the attorney general and the  
19 management council of the legislature on:

20

21           (A) The activities of the office;

22

1                   (B) A general summary of the cost-benefit  
2 analyses conducted under this section for the immediately  
3 preceding fiscal year, including noting any rule for which  
4 a cost-benefit analysis estimated an economic impact of not  
5 less than one hundred thousand dollars (\$100,000.00) in  
6 Wyoming;

7  
8                   (C) Any rules identified in the immediately  
9 preceding fiscal year that the office recommended for  
10 repeal or sunset because the rules are outdated,  
11 burdensome, obsolete or otherwise are not in accordance  
12 with law or current standards for rules;

13  
14                   (D) Any recommendations for changes to the  
15 act.

16  
17           (c) Not later than July 1 of each year, each agency  
18 shall develop and submit an annual regulatory plan for  
19 rulemaking for the fiscal year. The plan shall:

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21                   (i) Include a list of all anticipated  
22 rulemakings for the fiscal year;

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1           (ii) Describe steps that will be taken during  
2 the fiscal year to streamline the agency's rules, review  
3 for the potential repeal of the agency's rules that are  
4 burdensome or obsolete and ensure that the agency's rules  
5 are consistent with the rules of all other agencies;

6

7           (iii) Submit the report to the regulatory review  
8 office;

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10           (iv) Post the report in a conspicuous location  
11 on the agency's main website home page.

12

13           (d) Before adopting, amending or repealing any rule,  
14 and subject to subsection (e) of this section, the agency  
15 shall complete or cause to have completed a cost-benefit  
16 analysis of the rule. The analysis shall either be included  
17 in the initial notice given under W.S. 16-3-103(a)(i) or  
18 shall be separately provided through notice not later than  
19 thirty (30) days after notice for the rule is given under  
20 W.S. 16-3-103(a)(i). The agency shall also publish the  
21 cost-benefit analysis on its website. The analysis required  
22 under this subsection shall evaluate, at a minimum:

23

1           (i) The need for the rule. The agency  
2 promulgating the rule shall provide, as part of the  
3 analysis under this subsection, a statement of need for the  
4 rule;

5

6           (ii) An examination of alternatives to the  
7 enactment of the rule;

8

9           (iii) The costs and benefits for the rule,  
10 including:

11

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

14

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

17

18           (C) Estimated compliance costs for  
19 regulated entities subject to the rule, including secondary  
20 or indirect costs associated with the rule;

21

22           (D) Estimated effect on state revenue;

23

1                   (E) Estimated effect on state expenditures,  
2 including estimated administrative expenses;

3

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

8

9                   (G) The sources consulted to complete the  
10 analysis;

11

12                   (H) Key assumptions made and sources of  
13 uncertainty with the analysis;

14

15                   (J) Any other information the agency  
16 determines would be beneficial for consideration of the  
17 rule.

18

19           (e) A cost-benefit analysis required under subsection  
20 (d) of this section shall not be required for emergency  
21 rules promulgated under W.S. 16-3-103(b), provided that the  
22 governor, following review by the regulatory review office,



1 finds that an emergency exists necessitating the  
2 promulgation of an emergency rule.

3

4 (f) The regulatory review office shall promulgate all  
5 rules necessary to implement this section. Rules  
6 promulgated under the authority granted in this subsection  
7 shall not require the completion of a cost-benefit analysis  
8 before final adoption of the rules.

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10 **Section 2.** W.S. 16-3-102(a) by creating a new  
11 paragraph (iv), (b) and (c) and 16-3-103(a)(i) by creating  
12 a new subparagraph (M), (ii) by creating a new subparagraph  
13 (D) and by renumbering (D) as (E) are amended to read:

14

15 **16-3-102. General rulemaking requirements; assistance**  
16 **and authority of attorney general.**

17

18 (a) In addition to other rulemaking requirements  
19 imposed by law, each agency shall:

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21 (iv) Complete an annual regulatory plan in  
22 accordance with W.S. 16-3-103.1(c).

23

1           (b) No agency rule, order or decision is valid or  
2 effective against any person or party, nor may it be  
3 invoked by the agency for any purpose, until it has been  
4 filed with the registrar of rules and made available for  
5 public inspection as required by this act and until a  
6 cost-benefit analysis has been completed as required by  
7 W.S. 16-3-103.1(d). This subsection does not apply to  
8 orders or decisions in favor of any person or party with  
9 actual knowledge of the rule, order or decision.

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11           (c) In formulating rules of practice as required by  
12 this section, each agency may request the assistance of the  
13 attorney general or the regulatory review office, and upon  
14 request, the attorney general and the regulatory review  
15 office shall assist the agency or agencies in the  
16 preparation of rules of practice.

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18           **16-3-103. Adoption, amendment and repeal of rules;**  
19 **notice; hearing; emergency rules; proceedings to contest;**  
20 **review and approval by governor.**

21

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

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5           (i) Give at least forty-five (45) days notice of  
6 its intended action. Notice shall be mailed to all persons  
7 making timely requests of the agency for advanced notice of  
8 its rulemaking proceedings and to the attorney general, the  
9 secretary of state's office as registrar of rules, and the  
10 legislative service office if a state agency. The agency  
11 shall submit a copy of the proposed rules, in a format  
12 conforming to any requirements prescribed pursuant to  
13 subsection (f) of this section, with the notice given to  
14 the legislative service office. The notice shall include:

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16                           (M) The cost-benefit analysis for the rule  
17 required under W.S. 16-3-103.1(d) or, if the analysis is  
18 incomplete when notice is provided under this paragraph,  
19 the date by which the cost-benefit analysis will be  
20 completed and posted on the agency's website.

21  
22           (ii) Afford all interested persons reasonable  
23 opportunity to submit data, views or arguments, orally or

1 in writing, provided this period shall consist of at least  
2 forty-five (45) days from the later of the dates specified  
3 under subparagraph (A) of this paragraph, and provided:

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5 (D) If, before final adoption, any person  
6 objects to the accuracy of a statement made by the agency  
7 in the cost-benefit analysis prepared under W.S.  
8 16-3-103.1(d), the agency shall include with the final  
9 rules submitted for review to the governor and the  
10 legislative service office a concise statement of the  
11 objection and the agency's response;

12  
13 ~~(D)~~(E) Upon adoption of the rule, the  
14 agency, if requested to do so by an interested person,  
15 either prior to adoption or within thirty (30) days  
16 thereafter, shall issue a concise statement of the  
17 principal reasons for overruling the consideration urged  
18 against its adoption.

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20 **Section 3.** There is authorized three (3) full-time  
21 equivalent positions for the office of the governor for the  
22 regulatory review office created in section 1 of this act  
23 beginning on the effective date of this section through

1 June 30, 2026. It is the intent of the legislature that  
2 these three (3) full-time equivalent positions be included  
3 in the standard budget of the office of the governor for  
4 the immediately succeeding fiscal biennium.

5  
6 **Section 4.** There is appropriated four hundred  
7 thousand dollars (\$400,000.00) from the general fund to the  
8 office of the governor for purposes of funding the three  
9 (3) positions for the regulatory review office authorized  
10 in section 3 of this act. This appropriation shall be for  
11 the period beginning with the effective date of this  
12 section and ending June 30, 2026. This appropriation shall  
13 not be transferred or expended for any other purpose and  
14 any unexpended, unobligated funds remaining from this  
15 appropriation shall revert as provided by law on June 30,  
16 2026. It is the intent of the legislature that this  
17 appropriation be included and doubled in the standard  
18 budget of the office of the governor for the immediately  
19 succeeding fiscal biennium.

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21 **Section 5.** This act shall apply to all rules for  
22 which notice is provided under W.S. 16-3-103(a)(i) on and  
23 after July 1, 2025.

