

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Administrative rules-legislative review.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to administrative procedure; requiring
2 agencies to provide notice of major rules as specified;
3 clarifying the definition of major rule; requiring
4 rulemaking; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 16-3-103(a)(i) by creating a new
9 subparagraph (M) and (f) and 28-9-109(h)(intro) and (i) are
10 amended to read:

11

1 **16-3-103. Adoption, amendment and repeal of rules;**
2 **notice; hearing; emergency rules; proceedings to contest;**
3 **review and approval by governor.**

4
5 (a) Prior to an agency's adoption, amendment or
6 repeal of all rules other than interpretative rules or
7 statements of general policy, the agency shall:

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

19
20 (M) If the rules are major rules as defined
21 in W.S. 28-9-109(h), a statement that the rules are major
22 rules, a statement of the need for the major rule and any

additional information necessary for the regulatory
analysis required by W.S. 28-9-109.

STAFF COMMENT

The Committee may wish to consider whether the additional notice and rulemaking requirements in W.S. 16-3-103(a)(i)(M) and (f)(ii) are necessary. During development of the Regulatory Impact Analysis process, questions have arisen regarding the practicability of requiring an agency to identify a proposed rule as a major rule and provide a separate statement of need at the Notice of Intent stage. The requirements may create additional administrative responsibilities for agencies and may necessitate additional review, tracking, or processing by the Secretary of State's Office. The language may also create uncertainty where a rule has not yet been formally qualified or designated as a major rule. This issue may warrant further consideration if Management Council designation is, or is not, removed from the major rule review process as discussed below.

(f) The state registrar of rules shall:

(i) Prescribe a format for state agencies to follow in preparing proposed amendments to existing rules which shall ensure that additions to and deletions from existing language are clearly indicated;

(ii) Adopt rules necessary to ensure that state agencies provide information necessary for the regulatory analysis required by W.S. 28-9-109 and as required in subparagraph (a)(i)(M) of this section.

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

(h) "Major rule" means a rule, ~~including other than~~ an emergency rule, or a rule that is required to be promulgated to comply with federal statute or federal regulation, unless that rule is designated as a major rule 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:

STAFF COMMENT

As LSO has developed the RIA process, questions have arisen about whether Management Council should retain authority to designate major rules. The Committee may wish to preserve that authority as a practical screening and prioritization mechanism before a rule proceeds through the full Regulatory Impact Analysis process, consistent with LSO's implementation and comparable to the Administrative Rules Review process. Emergency rules and federally required rules could remain outside routine Management Council review without being categorically excluded from possible major-rule designation. Retaining this discretionary

1 authority may preserve flexibility for unusual or
2 significant rules while keeping the review process
3 administrable. Below is alternative language that would
4 retain the requirement for Management Council to designate
5 major rules:

6
7 (h) "Major rule" shall not include an emergency rule
8 or a rule that is required to be promulgated to comply with
9 federal statute or federal regulation unless the rule is
10 specifically designated by management council as a major
11 rule. "Major rule" means a rule,~~including an emergency~~
12 ~~rule,~~ designated by management council under ~~W.S. 28-9-109~~
13 this section that will result in or is likely to result in
14 one (1) or more of the following:

15
16 *****
17 *****
18

19 (i) An annual impact on the economy of Wyoming
20 that will result in direct or indirect costs of not less
21 than ~~one million dollars (\$1,000,000.00)~~ five hundred
22 thousand dollars (\$500,000.00);

23
24 (ii) Significant adverse effects on competition,
25 employment, investment, productivity or innovation in the
26 state, including significant adverse effects on individual
27 industries or regions within Wyoming.

28
29 *****
30 *****

31 **STAFF COMMENT**

32 As previously discussed, paragraph (ii) above is not being
33 amended but is included in the draft for Committee
34 discussion. Paragraph (ii) does not include any measurable

benchmarks which may make it difficult for agencies to apply in determining whether or not a rule is a major rule for purposes of this act.

Section 2. This act is effective July 1, 2027.

(END)