



Notice of Intent to Adopt Rules

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

Revised June 2020

<u>1. General Information</u>			
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			
Amended Program Name (if applicable):			
* <input type="checkbox"/> 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.			
<u>2. Legislative Enactment</u> For purposes of this Section 2, "new" only applies to regular non-emergency 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 non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<u>3. Rule Type and Information</u> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

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/revoked 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. The Agency has completed a takings assessment as required by 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: _____

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
SECRETARY OF STATE
RULES ON RULES FOR STATE AGENCIES
CHAPTERS 1-3

The Secretary of State's Office intends to adopt amended Rules on Rules. The electronic based Wyoming Administrative Rules (WAR) system recently was enhanced to provide for Program and Chapter name changes and to accommodate non-substantive changes. Prior to this enhancement these types of changes were manual changes. The enhancements to WAR that were implemented allows for these types of changes to occur electronically, creating even more transparency throughout the system. The changes to the Rules on Rules are being made to reflect the system changes.

Chapter 1 – Purpose, Definitions, General Filing Provisions and Copies of Rules. This Chapter amends definitions creating new language as it relates to amending a Chapter/Program name and creating a non-substantive Packet in the Wyoming Administrative Rules (WAR) system.

Chapter 2 – Formatting. The Chapter includes updated language and combining and clarifying text, due to the Changes mentioned in Chapter 1 above.

Chapter 3 – Types of Rule Filings. This content was updated due to the ability to change a Chapter/Program name within the electronic WAR system as well as the ability to workflow a non-substantive packet; these changes are now solely electronic to facilitate transparency.

Chapter 1
Purpose, Definitions, General Filing Provisions, and Copies of Rules

Section 1. Authority. As the Registrar of Rules, the Secretary of State is establishing requirements for rule formatting, definition of terms, initial processes for rule promulgation, and rule filing under the Administrative Procedure Act, W.S. 16-3-101 through 16-3-106.

Section 2. Definitions.

(a) “Administrative Rules System” means a database system providing access to proposed, emergency and final rules; providing for electronic submission and transmission of rules to the Governor’s Office, Attorney General’s Office, and Legislative Service Office as well as subscribers to rule notifications; and providing for electronic public comment submissions.

(b) “Amended” means a proposed regular rule that alters all or part of a current rule.

(c) “Chapter” means a grouping of rule sections having a common subject matter.

(d) “Cumbersome” means any document where formatting the incorporated material would cause the agency to purchase special software or incur unreasonable amounts of staff time to prepare including documents containing graphics, tables, drawings, equations, scientific nomenclature, special symbols, or non-Arabic numerals.

(e) “Current” means the regular rule presently in effect.

(f) “Date of Adoption” means the date the agency adopts rules.

(g) “Emergency Rule” means a temporary rule promulgated pursuant to W.S. 16-3-103(b).

(h) “Filed” means the date the rule was accepted and made effective by the Registrar of Rules.

(i) “Final” means a regular rule that has been approved by the Governor and has been filed with the Registrar of Rules.

(j) “New” means:

(i) For the purposes of the Legislature’s review, a rule that is promulgated in response to a Wyoming legislative enactment.

(ii) For the purposes of the Registrar of Rules, a rule that addresses issues not previously addressed in whole or in part by prior rulemaking.

(k) “Non-Substantive Change” means a change to current rules as outlined in

Rules on Rules, Chapter 3, Section 3.

(l) “Program” means a grouping of rules all having a common subject matter or jurisdiction and belonging to a single agency, board or commission.

(m) “Proposed” means a regular rule that is open for public comment or is otherwise not final.

(n) “Regular Rule” means a rule promulgated pursuant to W.S. 16-3-103, not including emergency rules.

(o) “Repealed” means a rule that has been removed and placed in a different chapter, program, or agency or a rule which has been removed and has not been replaced.

(p) “Statement of Reasons” means a brief and concise statement of the principal reason(s) for the adoption of a rule that explains either the terms or substance of the proposed rule or a description of the subjects and issues involved and which meets the requirements of *Tri-State Generation & Transmission Ass’n v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979).

(q) “Statement justifying the emergency” means a brief and concise explanation of an emergency an agency faces that justifies adopting emergency rules.

(r) “Strike and Underscore Copy” is an electronic file containing the rule with additions to language marked with a single-line underscore and deletion of existing language marked with a single-dash strike-through. Track Changes or other software-specific change management tools are not permissible.

(s) “Superseded” means a final rule that has been amended by a current rule relating to the same general subject matter.

Section 3. Agency, Program, Chapter Modifications.

(a) If an agency name is changed, the agency shall notify the Registrar of Rules. The notice shall include the agency’s old name, the agency’s new name, and the authority for the name change.

(b) After the agency notifies the Registrar of Rules, the Registrar of Rules shall change the agency’s name using the Administrative Rules System.

(c) Programs may be moved from one agency to another due to statutory changes or reorganization of government.

(i) The current rule chapters of a program being moved shall be repealed by filing a Proposed Rule Packet; and

(ii) The current rule chapters shall be new rules filed under the surviving agency and program.

(d) Once an agency has repealed a chapter of rules, the agency may not reuse the number of that chapter in future rules.

(e) Agencies may adopt regular rules to reserve chapter numbers for future use.

Section 4. General Filing Provisions.

(a) State agency rules shall be filed with the Registrar of Rules on the Administrative Rules System. All forms shall be mandatory unless specified otherwise and are found at <https://rules.wyo.gov> under the “Quick Links” heading.

(b) An agency proposing rules shall use the Wyoming Administrative Rules System to file all proposed rules packets in accordance with Chapter 3 of these Rules. After the Registrar of Rules verifies that a proposed rule packet complies with the Rules on Rules, the Administrative Rules System shall deliver notice of the proposed rules to any individuals who requested notice of proposed rules.

(c) An agency promulgating rules shall use the Administrative Rules System to file all rules packets in accordance with Chapter 3 of these Rules. After the Registrar of Rules verifies that a filed rule packet complies with the Rules on Rules, the Administrative Rules System shall deliver the complete packet to the Governor, the Legislative Service Office, and the Attorney General.

(d) No rule shall include a table of contents, title page, or index in any rule packet.

(e) An agency proposing or promulgating rules shall submit the entire chapter of each rule.

Section 5. Notices and Copies of Rules.

(a) The Administrative Rules System shall provide a subscription service for individuals to request notice of proposed, final, and emergency rules. The Administrative Rules System shall deliver notice of proposed, final, and emergency rules using that subscription service.

(b) Interested persons may obtain a certified copy of any filed rule from the Registrar of Rules upon written request and payment of a copy fee as set forth in W.S. 9-1-305.

(c) If there is any dispute as to the contents of an agency’s rules, the official copy of a state agency’s rules shall be that which the Registrar of Rules hosts on its website at <https://rules.wyo.gov>.

Chapter 2 Formatting

Section 1. Format of Rules. Rules shall be formatted as follows:

- (a) The first page of every chapter shall contain the chapter number and chapter title, centered and in bold typeface at the top of the page.
- (b) Section numbers and titles shall be in bold typeface.
- (c) The bottom, top, left, and right margins of every page shall be one (1) inch.
- (d) The rules shall be single-spaced with double spaces between paragraphs and be left justified.
- (e) Page numbers shall appear on every page in the center of the bottom margin half an inch from the bottom of the page. The page numbers shall begin with the chapter number and be followed by a hyphen and the page number.
- (f) The clean Word version shall not contain word style types or header and/or footer information with the exception of page numbers.
- (g) Text shall be 12-point black Calibri font or Times New Roman font.
- (h) Text on the second and subsequent lines following a Section, Sub-section, Paragraph, Subparagraph, etc. shall wrap to the left margin.
- (i) Arrangement of rules shall be in the following format:

The remainder of this page is intentionally left blank

1" margin
↓

Calibri 12pt
or
New Times Roman 12pt

Chapter #
Chapter Title

single-space
double-space

- 1 tab - **Section #.** - 1 tab - **Section Title.**
- 1 tab - **(a)** - 1 tab - Subsection
- 2 tab - **(i)** - 1 tab - Paragraphs
- 3 tab - **(A)** - 1 tab - Subparagraphs
- 4 tab - **(l)** - 1 tab - Subdivision of subparagraphs
- 5 tab - **(1.)** - 1 tab - Additional Numbering
- 6 tab - **a.** - 1 tab - Additional Numbering
- 7 tab - **1.** - 1 tab - Additional Numbering

1" margin
→

1" margin
←

1" margin
↑

Chapter Number
Page Number
1-1
↑
1/2 inch
↓

Section 2. Embedded Tables and Images. Rules may contain information in tables and images.

(a) If a rule includes a table, the header row shall appear at the top of every page on which the table appears.

(b) Agencies shall include tables, images, and technical drawings by reference whenever possible.

Section 3. Appendices. Appendices shall either:

(a) Be incorporated as part of the rule chapter to which they apply; or

(b) Be submitted as a separate chapter of rules having a sequential chapter number and an appropriate chapter name.

Chapter 3

Types of Rules Filings

Section 1. Process for Submitting Proposed Rules.

(a) Before submitting proposed rules with the Registrar of Rules, an agency shall request and receive permission to proceed from the Governor's Office.

(b) After receiving permission to proceed from the Governor's Office, an agency promulgating rules shall use the Administrative Rules System to submit its proposed rules consisting of:

(i) Proposed Rules PDF Packet that is searchable containing the:

(A) Notice of intent to promulgate rules;

(B) Statement of principal reasons for adoption of rules;

(C) Clean copy of each proposed rule chapter; and

(D) Strike and underscore copy of each proposed rule chapter.

(ii) Word (.docx) copy of the strike and underscore copy of each proposed rule chapter.

(A) If amendments are pervasive, strike and underscore are not required, but are still preferred. If strike and underscore are not used:

(I) Approval from the Attorney General's Office must be stated on the Notice of Intent; and

(II) The Statement of Reasons or other accompanying documents must clearly show the type of changes made and specifically include all substantive deletions and additions with appropriate citations to the sections affected.

(c) When the proposed rule packet receives approval as to form by the Registrar of Rules:

(i) The Administrative Rules System shall electronically deliver the packet to the Governor, Attorney General, and Legislative Service Office;

(ii) The Administrative Rules System shall electronically deliver the packet to individuals requesting notice of proposed rulemaking; and

(iii) Individuals shall be able to comment on the proposed rules by using the Administrative Rules System.

Section 2. Process for Filing Final Rules.

(a) If an agency fails to file final rules within seventy-five (75) days from the date the rules are adopted, the agency shall file a new notice of intent to adopt the rules.

(b) Within ten (10) days of adopting rules, pursuant to W.S. 28-9-103(b), the agency shall use the Wyoming Administrative Rules System to submit its final rules consisting of:

(i) Final Rules PDF Packet that is searchable containing the:

(A) Certification page for regular and emergency rules bearing the signature of the agency, commission, or board authorized individual;

(B) Statement of principal reasons for adoption of rules;

(C) Summary of comments and responses. If an agency received no comments, the agency shall state that there were no comments;

(D) Clean copy of the each chapter of final rules; and

(E) Strike and underscore copy of each chapter of final rules.

(ii) Word (.docx) clean copy of each final chapter of rules.

(c) Rules are not officially filed until:

(i) The certification page bearing the Governor's signature has been delivered to the Registrar of Rules; and

(ii) The rules have been processed and made available to the public on the Administrative Rules System.

(d) When the Governor line-item vetoes all or any portion of a rule, the agency shall modify the final rules document(s) by removing the vetoed content. The agency shall email the revised final copy of each modified rule to the Registrar at Rules@wyo.gov, and shall not submit the rules through the Wyoming Administrative Rules System.

Section 3. Process for Filing Non-Substantive Changes.

(a) Agencies may modify final regular rules under this section without prior notice or a hearing.

- (b) Agencies may not move text from one chapter to another under this section.
- (c) Agencies' Attorney General representatives shall determine whether this section permits the agency to modify their rules.
- (d) Agencies may not modify emergency rules under this section.
- (e) Agencies may modify their current rules under this section for the following reasons:
 - (i) Updating the name of an agency by reason of a name change prescribed by law;
 - (ii) Correcting spelling and grammatical mistakes in a manner that does not alter the scope, application, or meaning of the rule;
 - (iii) Correcting statutory or rule references; or
 - (iv) Correcting physical addresses, telephone numbers, or website or email addresses.
- (f) Upon approval from its Attorney General representative, an agency shall use the Wyoming Administrative Rules System to submit its non-substantive changes in a packet consisting of:
 - (i) A Non-Substantive Changes PDF Packet that is searchable containing the:
 - (A) Non-Substantive Changes Form;
 - (B) Clean copy of each chapter; and
 - (C) Strike and underscore of each chapter.
 - (ii) A Word (.docx) clean copy of each chapter of rules.
- (g) Rules are not officially filed until they have been processed and made available to the public on the Administrative Rules System.

Section 4. Emergency Rules

- (a) Emergency rules shall follow the same format as regular rules as set forth in Chapter 2, except that emergency rules shall, in boldface and underlined type, include the following statement directly below the Chapter Title:

**Emergency rules are in effect no longer than 120 days after filing
with the Registrar of Rules.**

(b) Identical or substantially similar emergency rules shall in no case be effective for a total period exceeding two hundred forty (240) days from the date first filed with the Registrar of Rules.

(c) An agency filing emergency rules shall use the Wyoming Administrative Rules System to submit its emergency rules consisting of:

- (i) Emergency Rules PDF Packet that is searchable containing the:
 - (A) Certification page for regular and emergency rules;
 - (B) Statement justifying the emergency;
 - (C) Statement of Reasons;
 - (D) Clean copy of each emergency rule chapter; and
 - (E) Strike and underscore copy of each emergency rule chapter.
- (ii) Word (.docx) clean copy of each emergency chapter of rules.

(d) Emergency rules are not officially filed until:

(i) The certification page bearing the Governor's signature has been delivered to the Registrar of Rules; and

(ii) The emergency rules have been processed and made available to the public on the Wyoming Administrative Rules system.

(e) When the Governor line-item vetoes all or any portion of an emergency rule, the agency shall modify the emergency rules document(s) by removing the vetoed content. The revised final copy of the emergency rule(s) shall be emailed to the Registrar of Rules at Rules@wyo.gov and shall not be submitted via the Wyoming Administrative Rules System.

Section 5. **Withdrawing Proposed Rules.**

(a) An agency may withdraw any proposed rule at any time before the Governor acts on the proposed rule by notifying the Registrar of Rules at Rules@wyo.gov and the Governor's Office.

(b) An agency may not withdraw a current rule or emergency rule.

Chapter 1
Purpose, Definitions, General Filing Provisions, and Copies of Rules

Section 1. ~~Authority~~ Statement of Purpose. As the Registrar of Rules, the Secretary of State is establishing requirements for rule formatting, definition of terms, initial processes for rule promulgation, and rule filing under the Administrative Procedure Act, W.S. 16-3-101 through 16-3-106.

Section 2. ~~Definitions.~~ ~~The definitions in W.S. 16-3-101(b) shall apply to these rules. The following definitions shall also apply:~~

(a) “Administrative Rules System” ~~means~~ is a database system providing ~~easy~~ access to proposed, emergency and final rules; providing for electronic submission and transmission of rules to the Governor’s Office, Attorney General’s Office, and Legislative Service Office as well as subscribers to rule notifications; and providing for electronic public comment submissions. ~~of public comments.~~

(b) “Amended” means a proposed regular rule that alters all or part of a current rule. ~~An Amended rule may or may not be a New Rule.~~

(c) “Chapter” means a grouping of rule sections having a common subject matter ~~under a single program.~~

~~(d)~~ — “Created” means a proposed regular rule that does not currently exist.

~~(e)~~ (d) “Cumbersome” means:

~~(i)~~ — Any document over ten (10) pages; and/or

~~(ii)~~ — Any document where formatting the incorporated material would cause the agency to purchase special software ~~and/or~~ incur unreasonable amounts of staff time to prepare including documents containing graphics, tables, drawings, equations, scientific nomenclature, special symbols, or non-Arabic numerals.

~~(f)~~ (e) “Current” means the regular rule ~~which~~ is presently in effect.

~~(g)~~ (f) “Date of Adoption” means the date the agency adopts rules. ~~If the agency is a board or commission, the date of adoption means the date of the public meeting where the board or commission adopts rules.~~

~~(h)~~ (g) “Emergency Rule” means a temporary rule promulgated pursuant to W.S. 16-3-103-(b).

~~(i)~~ (h) “Filed” means the date the rule was accepted and made effective by the

Registrar of Rules.

~~(j)~~(i) “Final” means a regular rule that has been approved by the Governor and has been filed with the Registrar of Rules.

~~(k)~~(i) “New” means:

(i) For the purposes of the Legislature’s review, a proposed regular rule that is promulgated in response to a Wyoming legislative enactment.

(ii) For the purposes of the Registrar of Rules, a rule that addresses issues not previously addressed in whole or in part by prior rulemaking.

(k) “Non-Substantive Change” means a change to current rules as outlined in Rules on Rules, Chapter 3, Section 3.

(l) “Program” means a grouping of rules all having a common subject matter or jurisdiction and belonging to a single agency, board or commission.

(m) “Proposed” means a regular rule that is open for public comment or is otherwise not final.

~~(m)~~(n) “Regular Rule” means a ~~final~~ rule promulgated pursuant to W.S. 16-3-103, not including emergency rules.

~~(n)~~(o) “Repealed” means a rule ~~that which~~ has been removed and placed –with re-enactment (or replacement)– in a different chapter, program, or agency; or without replacement or a rule which has been removed and has not been replaced. The existing rule shall be stricken through in a way to illustrate the entire chapter is being repealed and enables the public to clearly read the full text of the rule the agency proposes to repeal.

~~(o)~~ “Rules” means rules and regulations.

(p) “Statement of Reasons” means a brief and concise statement of the principal reason(s) for the adoption of a rule, ~~which that~~ explains either the terms or substance of the proposed rule or a description of the subjects and issues involved and which meets the requirements of *Tri-State Generation & Transmission Ass’n v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979).

(q) “Statement justifying the emergency” means a brief and concise explanation of an emergency an agency faces that justifies adopting emergency rules.

~~(r)~~(q) “Strike and Underscore Copy” is an electronic file containing the rule with additions to language marked with a single-line underscore and deletion of existing language marked with a single-dash strike-through. Track Changes or other software-specific change management tools are not permissible.

~~(s)(r)~~ “Superseded” means a final rule ~~that which~~ has been amended by a current rule relating to the same general subject matter.

Section 3. Agency, Program, Chapter Modifications.

- (a) ~~Agencies create and name their own programs and chapters within programs. If an agency name is changed, the agency shall notify the Registrar of Rules. The notice shall include the agency’s old name, the agency’s new name, and the authority for the name change.~~
- (b) ~~It is the promulgating agency’s responsibility to ensure that programs and their related chapters of rules maintain similar subject matter content. After the agency notifies the Registrar of Rules, the Registrar of Rules shall change the agency’s name using the Administrative Rules System.~~
- (c) Programs may:
- ~~(i) Be moved from one agency to another due to statutory changes or reorganization of government.~~
 - ~~(i) (A) The current rule chapters of a program being moved shall be repealed by filing a Proposed Rule Packet; and~~
 - ~~(ii) (B) The current rule chapters shall be new rules filed under the surviving agency and program.~~
 - ~~(i) Have their rules repealed and a new program created if programs merge, are changed, or if such change would create efficiency for the agency or reduce numbers or length of rules.~~
 - ~~(A) The current rule chapters of a program being changed shall be repealed by filing a Proposed Rules Packet; and~~
 - ~~(B) Proposed rules shall be filed under the surviving program clearly setting forth the program and chapter changes.~~
- (d) Once an agency has repealed a chapter of rules, the agency may not reuse the number of that chapter in future rules ~~a chapter number has been repealed, it cannot be reused.~~
- (e) Agencies may adopt regular rules to reserve chapter numbers for future use ~~by utilizing the regular rule making process.~~

Section 4. General Filing Provisions.

(a) State agency rules shall be filed with the Registrar of Rules on the Administrative Rules System. All forms shall be mandatory, unless specified otherwise, and are found ~~at on the~~ Secretary of State's website: <http://sos.wyo.gov> or <https://rules.wyo.gov> under the "Quick Links" heading.

(b) An agency proposing rules shall use the Wyoming Administrative Rules System to file all proposed rules packets in accordance with Chapter 3 of these Rules. After the Registrar of Rules verifies that a proposed rule packet complies with the Rules on Rules, the Administrative Rules System shall deliver notice of the proposed rules to any individuals who requested notice of proposed rules.

~~(b)(c)~~ (c) An agency promulgating rules shall use the Wyoming Administrative Rules System to file all rules packets in accordance with Chapter 3 of these Rules. ~~enter all rules:~~

- ~~(i) Proposed Rules Packet;~~
- ~~(ii) Final Rules Packet;~~
- ~~(iii) Emergency Rules Packet;~~
- ~~(iv) Non-Substantive Change Packet; and~~
- ~~(v) Withdrawals of Proposed Rules.~~

~~Complete packets shall be delivered by the system electronically to the Governor, the Legislative Service Office, and the Attorney General, upon verification for filing by the Registrar of Rules. Notice of the filing of proposed, emergency, and final rules, will be delivered to individuals utilizing the subscription service provided via the system. After the Registrar of Rules verifies that a filed rule packet complies with the Rules on Rules, the Administrative Rules System shall deliver the complete packet to the Governor, the Legislative Service Office, and the Attorney General.~~

(d) No rule shall include a table of contents, title page, or index in ~~the PDF or Word (.docx) file in~~ any rule packet. ~~Rules posted to this system notwithstanding, agencies may include tables of content, title pages and an index if separately listing rules on their agency website or publishing their rules.~~

(e) An agency proposing or promulgating rules shall submit the entire rule chapter of each rule ~~even if only a section is being amended.~~

Section 5. Notices and Copies of Rules.

(a) The Administrative Rules System shall provide a subscription service for individuals to request notice of proposed, final, and emergency rules. The Administrative Rules System shall deliver notice of proposed, final, and emergency rules using that subscription service.

~~(a)~~(b) Interested persons may obtain a certified copy of any filed rule from the Registrar of Rules upon written request and payment of a copy fee as set forth in W.S. 9-1-305.

~~(b)~~(c) If there is any dispute as to the contents of an agency's rules, ~~The~~ official copy of a state agency's rules shall be that which ~~is obtained from the Registrar of Rules~~ hosts on its website at <https://rules.wyo.gov>.

Chapter 2 Formatting

Section 1. Format of Rules. ~~The Registrar of Rules may refuse to accept any rule for filing that does not conform to the formats prescribed by these rules.~~ Rules shall be formatted as follows:

(a) The first page of every chapter shall contain the chapter number and chapter title centered and in bold typeface at the top of the page.

(b) Section numbers and titles shall be in bold typeface.

~~(b)~~ (c) The bottom, top, left, and right margins of every page shall be one (1) inch.

~~(c)~~ (d) The rules shall be single-spaced with double spaces between paragraphs and be left justified.

~~(d)~~ (e) Page numbers shall appear on every page in the ~~bottom~~ center of the bottom margin half an inch from the bottom of the page. The page numbers shall begin with the chapter number and be followed by a hyphen and the page number for each page.

~~(e)~~ (f) The clean Word version shall not contain word style types or header and/or footer information with the exception of page numbers.

~~(f)~~ The PDF version of the rule shall be a direct conversion from the Word document.

(g) Text shall be 12-point black Calibri font or Times New Roman font. ~~font shall be Calibri or Times New Roman and a 12 point font size, black type.~~

(h) Text on the second and subsequent lines following a Section, Sub-section, Paragraph, Subparagraph, etc. shall wrap ~~back~~ to the left margin.

(i) ~~When referencing a state statute use "Wyoming Statute" only on the first occurrence in the chapter with the abbreviated reference "W. S." following thereafter.~~

~~(j)~~ Arrangement of rules shall be in the following format:

1" margin

Calibri 12pt
or
New Times Roman 12pt

Chapter #
Chapter Title

single-space
double-space

- 1 tab - Section #. -1 tab - Section Title.
- 1 tab -(a) -1 tab - Subsection
- 2 tab (i) -1 tab - Paragraphs
- 3 tab (A) -1 tab - Subparagraphs
- 4 tab (l) -1 tab - Subdivision of subparagraphs
- 5 tab (1.) -1 tab - Additional Numbering
- 6 tab a. -1 tab - Additional Numbering
- 7 tab 1. -1 tab - Additional Numbering

1" margin

1" margin

1" margin

Chapter Number
Page Number
1-1
1/2 inch

Section 2. Embedded Tables and Images. Rules may contain ~~tabular data information in tables and images when use clarifies or gives series of numbers or symbols clear meaning.~~

~~(a) When creating tables, any of the following formats are permitted:~~

~~(i) Word's table functionality;~~

~~(ii) Excel's table functionality; or~~

~~(iii) Images.~~

~~(b)(a) Tables, if imbedded in rule text, shall repeat the header row if the tabular data extends past a single page, and the header row shall appear at the top of every page on which the table appears. If a rule includes a table, the header row shall appear at the top of every page on which the table appears.~~

~~(b) Agencies shall include tables, images, and technical drawings by reference whenever possible.~~

~~(c) If tables are embedded in rules, there may be loss of clarity or fidelity during HTML rendering which may create difficulty in viewing tables.~~

Section 3. Images and Drawings. Rules may contain images and technical drawings necessary to provide information to the reader.

~~(a) Images and technical drawings shall be included by reference whenever possible.~~

~~(b) If images or drawings are embedded in rules, they shall be letter sized, 8 ½ inches by 11 inches utilizing portrait layout whenever possible. Landscape may be used. There may be loss of clarity or fidelity during HTML image rendering which may create difficulty in viewing images or drawings on the web. It is recommended that the PDF file be viewed in that instance.~~

Section 34. Appendices. Appendices shall either:

(a) Be incorporated as part of the rule chapter to which they apply; or

(b) Be submitted as a separate chapter of rules having a sequential chapter number and an appropriate chapter name.

Section 5. Exemptions.

~~(a) — An agency may incorporate by reference all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States, this state, another state or by a nationally recognized organization or association, as permitted by W.S. 16-3-103(h), provided:~~

~~(i) — The agency follows all procedures to adopt, amend, or repeal the rule each time the agency wants to incorporate or adopt a newer or revised edition of the incorporated matter or repeal the incorporated matter; and~~

~~(ii) — The agency follows and complies with all requirements in W.S. 16-3-103(h).~~

~~(b) — When federal and model rules are amended to correct non-substantive typographical errors; spelling/grammatical errors; agency name changes; and/or address, telephone, URL or email address changes; state agencies that have adopted the federal or model rules or have incorporated those rules by reference may file the changes to the rules by filling a Non-Substantive Corrections, Explanation of Changes form with the Registrar of Rules as per Chapter 3, Section 3.~~

Chapter 3 Types of Rules Filings

Section 1. Process for Submitting Proposed Rules. ~~Required rule documents that propose to create, amend, or repeal existing rules shall be sent to the Governor's Office for initial approval a minimum of ten (10) working days prior to filing the proposed rules with the Registrar of Rules. Upon approval from the Governor's Office:~~

(a) Before submitting proposed rules with the Registrar of Rules, an agency shall request and receive permission to proceed from the Governor's Office.

~~(a)~~(b) After receiving permission to proceed from the Governor's Office, An agency promulgating rules shall use the Administrative Rules System to submit its~~their~~ proposed rules consisting of:

(i) Proposed Rules PDF Packet that is searchable containing the:

(A) Notice of intent to promulgate rules;

(B) Statement of principal reasons for adoption of rules;

(C) Clean copy of each proposed rule chapter; and

(D) Strike and underscore copy of each proposed rule chapter.

(ii) Word (.docx) copy of the strike and underscore copy of each proposed rule chapter.

(A) If amendments are pervasive, strike and underscore are not required, but are still preferred. If strike and underscore are not used:

(I) Approval from the Attorney General's Office must be stated on the Notice of Intent; and

(II) The Statement of Reasons or other accompanying documents must clearly show the type of changes made and specifically include all substantive deletions and additions with appropriate citations to the sections affected.

~~(b)~~(c) When the proposed rule packet receives approval as to form by the Registrar of Rules:

(i) ~~The packet shall be immediately delivered, via the Administrative Rules System~~ shall electronically deliver the packet, to the Governor, Attorney General, and Legislative Service Office ~~thereby eliminating paper delivery;~~

~~(ii) The Administrative Rules System shall electronically deliver the packet will be delivered to individuals requesting notice, via GovDelivery, of proposed rulemaking; and~~

~~(iii) Individuals will shall be able to immediately comment on the proposed rules by using the public comment link available on the Administrative Rules System.~~

~~(c) Rules that propose to amend existing rules shall be prepared in the following format:~~

~~(iii) New language being added shall be underscored;~~

~~(iv) Deletions of existing language shall be shown by striking through the deleted language;~~

~~(iii) If amendments are pervasive, strike and underscore are not required, but are still preferred. If strike and underscore are not used:~~

~~(i) Approval from the Attorney General's Office must be stated on the Notice of Intent form; and~~

~~(ii) The Statement of Reasons or other accompanying documents must clearly show the type of changes made and specifically include all substantive deletions and additions with appropriate citations to the sections affected.~~

Section 2. Process for Filing Final Rules.

~~(a) Final rules must be submitted for filing with the Registrar of Rules within seventy-five (75) days of the date the rules are adopted. If an agency fails to file final rules within seventy-five (75) days from the date the rules are adopted, the agency shall file a new notice of intent to adopt the rules.~~

~~(b) Following adoption Within ten (10) days of adopting rules, pursuant to W.S. 28-9-103(b), an the agency finalizing rules shall use the Wyoming Administrative Rules System to submit their its final rules consisting of:~~

~~(i) Final Rules PDF Packet that is searchable containing the:~~

~~(A) Certification page for regular and emergency rules bearing the signature of the agency, commission, or board authorized individual;~~

~~(B) Statement of principal reasons for adoption of rules;~~

(C) Summary of comments and responses. If an agency received no comments, the agency shall state that there were no comments;

(D) Clean copy of the each chapter of final rules; and

(E) Strike and underscore copy of each chapter of final rules.

(ii) Word (.docx) clean copy of each final chapter of rules.

~~(c) If no comments were received, the summary of comments should indicate such.~~

~~(d) After the Governor has signed the Certification Page, the Attorney General's Office shall deliver the Certification Page to the Registrar of Rules for filing.~~

~~(e)~~(c) Rules are not officially filed until:

(i) The certification page bearing the Governor's signature has been delivered to the Registrar of Rules; and

(ii) The rules have been processed and made available to the public on the Administrative Rules System.

~~(f)~~ (d) When the Governor line-item vetoes all or any portion of a rule, the agency shall modify the final rules document(s) by removing the vetoed content. The agency shall email the revised final copy of each modified rule to the Registrar at Rules@wyo.gov, and shall not submit the rules through the ~~The revised final copy of the rule(s) shall be emailed to the Registrar of Rules at Rules@wyo.gov and shall not be submitted via the Wyoming Administrative Rules System.~~

Section 3. Non-Substantive Corrections Explanation of Changes Process for Filing Non-Substantive Changes.

(a) Agencies may modify final regular rules under this section without prior notice or a hearing.

(b) Agencies may not move text from one chapter to another under this section.

(c) Agencies' Attorney General representatives shall determine whether this section permits the agency to modify their rules.

(d) Agencies may not modify emergency rules under this section.

~~(a) After filing Final Rules with the Registrar of Rules, an agency may not file changes to the rules due to typos, errors or reorganization of text unless there is clearly no change of~~

~~meaning. Moving text from one chapter to another (under this Section) is disallowed. Agencies shall consult with their Attorney General representative regarding whether non-substantive changes to the rules may be filed.~~

~~(b)~~(e) Agencies may modify their current rules under this section for the following reasons~~Subsection (a) notwithstanding, an agency may, with the Attorney General's concurrence, amend a rule without prior notice or hearing if the amendment is solely for the purpose of:~~

- ~~(i) Changing~~Updating the name of an agency by reason of a name change prescribed by law;
- (ii) Correcting spelling and grammatical mistakes in a manner that does not alter the scope, application, or meaning of the rule;
- (iii) Correcting statutory or rule references; or
- (iv) Correcting physical addresses, telephone numbers, or website or email addresses.

~~(f) Any rules that are submitted to the Registrar of Rules pursuant to this Section 3 shall:~~ Upon approval from its Attorney General representative, an agency shall use the Wyoming Administrative Rules System to submit its non-substantive changes in a packet consisting of:

~~(i) Be submitted electronically to the Registrar of Rules at Rules@wyo.gov and shall not be submitted via the Wyoming Administrative Rules System. A Non-Substantive Changes PDF Packet that is searchable containing the:~~

- ~~(A) Non-Substantive Changes Form;~~
- ~~(B) Clean copy of each chapter; and~~
- ~~(C) Strike and underscore of each chapter.~~

~~(ii) Include the PDF of the Non-Substantive Corrections Explanation of Changes form bearing the signature of the agency, commission, or board authorized individual as well as the Attorney General representative; and~~

~~(ii)(iii) Contain the entire chapter of the corrected rules and be provided in a Word (.docx) format clean copy of each chapter of rules.~~

(g) Rules are not officially filed until they have been processed and made available to the public on the Administrative Rules System.

Section 4. Emergency Rules

(a) Emergency rules shall follow the same format as regular rules as set forth in Chapter 2, except that emergency rules with the following addition:

(i) ~~Emergency Rules~~ shall, in boldface and underlined type, include the following statement directly below the Chapter Title:

**Emergency rules are in effect no longer than 120 days after filing
with the Registrar of Rules.**

~~(b) Emergency rules temporarily amend or repeal current rules or temporarily create a rule where none existed.~~

~~(i) An emergency rule shall not be in effect for longer than 120 days from the date filed with the Registrar of Rules. On the 121st day the emergency rule expires and the pre-existing current rule, if any, returns to force and effect; unless:~~

~~(A) A regular rule is filed with the Registrar of Rules to replace the emergency rule prior to its expiration; or~~

~~(B) Another emergency rule, identical or not, is adopted by the agency, signed by the Governor, and filed with the Registrar of Rules to replace the first emergency rule; however,~~

~~(i) Identical or substantially similar emergency rules shall in no case be effective for a total period exceeding two hundred forty (240) days from the date first filed with the Registrar of Rules.~~

~~(ii) Emergency rules shall bear the endorsement of the Governor before the Registrar of Rules may file the Emergency rule.~~

~~(iii) Emergency rules are adopted without notice or opportunity for public comment.~~

(b) An agency filing emergency rules shall use the Wyoming Administrative Rules System to submit its emergency rules consisting of:

(i) Emergency Rules PDF Packet that is searchable containing the:

(A) Certification page for regular and emergency rules;

(B) Statement justifying the emergency Memorandum to the Governor documenting the emergency;

(C) Statement of Reasons;

~~(C)~~(D) Clean copy of each emergency rule chapter; and

~~(D)~~(E) Strike and underscore copy of each emergency rule chapter.

(ii) Word (.docx) clean copy of each emergency chapter of rules.

~~(d)~~ After the Governor has signed the Certification Page, the Attorney General's Office shall deliver the Certification Page to the Registrar of Rules for filing.

~~(e)~~(c) Emergency rules are not officially filed until:

(i) The certification page bearing the Governor's signature has been delivered to the Registrar of Rules; and

(ii) The emergency rules have been processed and made available to the public on the Wyoming Administrative Rules system.

~~(f)~~(d) When the Governor line-item vetoes all or any portion of an emergency rule, the agency shall modify the emergency rules document(s) by removing the vetoed content. The revised final copy of the emergency rule(s) shall be emailed to the Registrar of Rules at Rules@wyo.gov and shall not be submitted via the Wyoming Administrative Rules System.

Section 5. Withdrawing Proposed Rules.

(a) An agency may withdraw any proposed rule at any time before the Governor acts on the proposed rule by notifying the Registrar of Rules at Rules@wyo.gov and the Governor's Office.

(b) An agency may not withdraw a current rule or emergency rule.