

506

INTRODUCTION

Date 11-25-76

Roll Call of the Senate

of the FORTY-THIRD LEGISLATURE

Of Wyoming

	EXCUSED	ABSENT	AYES	NOES
31 BOYLE			✓	
30 CHRISTENSEN				✓
29 CUNDALL				✓
28 DAILY			✓	
27 DAVIS				✓
26 GEIS				✓
25 HITCHCOCK			✓	
24 JOHNSON			✓	
23 KENDIG				✓
22 KIMBALL				✓
21 LEIMBACK			✓	
20 MADSEN				✓
19 MAJHANOVICH			✓	
18 MOORE				✓
17 MYERS				
16 NICHOLS				✓
15 NORRIS			✓	
14 NORTHRUP			✓	
13 NOTT				✓
12 NOVOTNY				✓
11 OSTLUND			✓	
10 RECTOR				✓
9 ROGERS			✓	
8 SADLER			✓	
7 SEARL			✓	✓
6 SEDAR			✓	
5 STAFFORD				✓
4 TAGGART				✓
3 TURNER				✓
2 WALLOP			✓	
1 MR. PRESIDENT				

PRESENT	AYES	14
	NOES	16
	EXCUSED	0
	ABSENT	0
	TOTAL	30
	LESS	

Filing administrative rules.

Sponsored by: Senator JOHNSON



A BILL

for

1 AN ACT to amend W.S. 9-276.20(a)(1) and (c) relating to
2 required agency rules of practice and procedure in con-
3 tested cases; providing for adoption of uniform rules
4 applicable to all agencies by the attorney general; pro-
5 viding for limited retroactive effect; and providing for
6 an effective date.

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

8 Section 1. W.S. 9-276.20(a)(1) and (c) are amended
9 to read:

10 9-276.20. Rules of practice to be adopted and made
11 available for public inspection; final orders, decisions,
12 etc., to be made available to public; rules, etc., invalid
13 until available to public; assistance of attorney general.

14 (a) In addition to other ~~rule-making~~ RULEMAKING
15 requirements imposed by law, each agency shall:

1 (1) ~~Adopt~~ IMPLEMENT UNIFORM rules of practice
2 setting forth the nature and requirements of all formal
3 and informal procedures available in connection with con-
4 tested cases;

5 (c) ~~In--formulating--rules--of--practice--as--required--by~~
6 ~~this--section, each agency may request--the--assistance--of~~
7 ~~the--attorney--general--and--upon--such--request--the--attorney~~
8 ~~general--shall--assist--such--agency--or--agencies--in--the--pre-~~
9 ~~paration--of--rules--of--practice.~~ THE ATTORNEY GENERAL IS
10 AUTHORIZED AND REQUIRED TO ADOPT AND REGISTER BY JULY 1,
11 1976, UNIFORM RULES GOVERNING ALL ADMINISTRATIVE AGENCY
12 PRACTICE AND PROCEDURE IN CONTESTED CASES WHICH PROMOTE
13 EFFICIENT, ECONOMICAL DUE PROCESS. THE UNIFORM RULES
14 SHALL BE EFFECTIVE WHEN REGISTERED AND SHALL SUPERSEDE,
15 NULLIFY AND REPLACE EVERY VARIANT RULE OF ANY AGENCY IN
16 ANY MATTER NOT FORMALLY INITIATED PRIOR TO ITS EFFECTIVE
17 DATE AND, WHEN CONSENTED TO BY ALL PARTIES, FOR COMPLETION
18 OF ANY PENDING PROCEEDING. NO AGENCY OTHER THAN THE
19 ATTORNEY GENERAL MAY ADOPT, AMEND OR APPLY ANY RULE IN
20 VARIANCE WITH THE UNIFORM RULES, UNLESS THE VARIATION IS
21 LEGALLY REQUIRED BY CONSTITUTION, STATUTE OR COURT ORDER.

Section 2. This act is effective May 28, 1976.

(END)

FISCAL NOTE

Fiscal Note No. 37
 Requester Sen. R. H. Johnson

L.S.O. 76-059	Draft L1
Bill No.	Jt. Res. No.

Part I. Fiscal Data:

SHORT TITLE OF BILL: FILING ADMINISTRATIVE RULES	STATUTORY REFERENCE Nos. 9-276.20	NAME OF FUND General and Other
AGENCY TITLE: SOURCE OF APPROPRIATION/REVENUE General and Other	New Program () Change in Existing Program (X) Local Government Impact ()	

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property	SEE DISCUSSION FOR FISCAL IMPACT WHICH IS LARGELY COST AVOIDANCE.		
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

Under existing law, each state agency and local agency is required to file rules of practice and procedure with the Secretary of State. These rules run about eight pages each. This bill would replace each of these sets of rules with one standard set prepared by the attorney general. The Secretary of State advises there are now on file, rules by 66 state agencies, 36 county agencies, 33 municipal agencies, 64 school districts, 11 weed and pest districts, plus the University and seven community colleges. In addition, about 64 state agencies have not filed rules. She further estimates the cost of copying these rules, as required by law, for one copy would be \$1,500.00. This bill would eliminate copying of

Date 7/6/66 Agency J. H. Johnson Authorized Representative
 Date _____ Legislative Auditor Clearance

FISCAL NOTE WORKSHEET

RESPONDING AGENCY TITLE

Concerning

SF NO.

HB NO.

DATE SUBMITTED

eight pages per agency, at about \$1.20 per copy per set, and thus for the 210 agencies having filed rules would amount to \$262.50 each for set. If each legislator were to request a set of rules, as provided by law, the cost would be 92 times that amount. If the 64 agencies which have not filed rules were to file them, the cost for copying of the portion limited to the rules of practice and procedure would be \$76.80 per set, or 92 times that amount if each legislator were to demand his free set. A standard set of rules of practice and procedure for hearings would reduce this to one set of rules and with resultant savings.

The workload on the Attorney General is not considered to be significant to implement the act and additional costs are not contemplated. The cost avoidance should easily offset the initial drafting need.