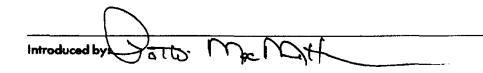
HOUSE BILL 0/8/

Ti

HB0187FT02
AN ACT to amend W.S. 16-3-103(a)(i)(intro) and (C) and (D) and by creating new subparagraphs (E) and (F) and (ii) and by creating new subsections (e) and (f) relating to the Wyoming Administrative Procedure Act; modifying notice requirements and procedures for agency adoption of rules; and providing for an effective date.



HOUSE AG	CTION ON HOUSE BILL
1112	[4] Introduced
	AyeNoExAb
	[Read First Time and Ref. to
	Committee No/_
	[] Failed Introduction
1123	AyeNoExAb Returned from Committee No. /
1100	with Recommendation:
	[] Do Pass; [Amend & Do
	Pass; [] Do Not Pass;
	[] W/O Recomm; [] Re-Refer to
	Committee No
<i>!</i>	Re-referred to Committee No
/	Returned from Committee No with Recommendation:
	[] Do Pass; [] Amend & Do
	Pass; [] Do Not Pass;
	[] W/O Recomm; [] Re-Refer to
_	Committee No
1126	Considered in Comm. of Whole
	[1] Amended
	[A] Recommended Do Pass
	[] Failed Comm. of Whole [] Indefinitely Postponed
	[] Other:
1127	Read Second Time
	[] Amended
	Do Pass
_	[] Do Not Pass
1,30	[] Accelerated to 3rd Rdg. Read Third Time
<u></u>	[] Amended
	[Passed [] Failed
	Aye <u> 60</u> No <u>O</u> Ex <u>O</u> Ab <u>O</u>
	[] Held for Reconsideration
	/ Motion to Reconsider
	[] Passed [] Failed
	AyeNoExAb / Third Reading Vote
	(On Reconsideration)
	[] Passed [] Failed
	AyeNoExAb
-/	Sent to Senate (No Amendments)
I)30	Sent to LSO for Engrossing
	I 30 ENGROSSED Sent to Senate

130	Received. Read First Time.
216	Referred to Committee No.
<i>2/6</i> _	Returned from Committee No with Recommendation:
	Do Pass; [] Amend & Do
	Pass; [] Do Not Pass;
	[] W/O Recomm; [] Re-Refer to
	Committee No
1	Re-referred to Committee No
	Returned from Committee No
	with Recommendation:
	[] Do Pass; [] Amend & Do
	Pass; [] Do Not Pass;
	[] W/O Recomm; [] Re-Refer to
ł	Committee No
2/13	Considered in Comm. of Whole
	[Amended
1	Recommended Do Pass
	[] Failed Comm. of Whole
j	[] Indefinitely Postponed
	[] Other:
2114	Read Second Time
	[] Amended
1	Do Pass
1	[] Do Not Pass
2115	[] Accelerated to 3rd Rdg.
2/13	Read Third Time
	[] Amended
	[Y Passed [] Failed Aye 28 No 2 Ex O Ab O
	[] Held for Reconsideration
	Motion to Reconsider
	[] Passed [] Failed
	Aye No Ex Ab
	/ Third Reading Vote
	(On Reconsideration)
	[] Passed [] Failed
ـــ ــ ا	AyeNoExAb
2115	Sent to House
2,44	0
<u>2123</u>	Sent for Enrolling
يبديو ا	HEA No.102
2134	
2/24	Signed by President

Approved by Governor Chapter No. 168

SENATE ACTION ON HOUSE BILL

CONCURRENCES/JOINT CONFERENCE COMMITTEES	NOTES: ADDITIONAL HOUSE / SENATE ACTION
2/15 Received from Senate with	TOTAL ADDITIONAL TOTAL TOTAL TOTAL
Amendments. [] House Concurred in Senate Amendments.	
[4] House Did not Concur in Senate Amendments. Aye 3 No.57 Ex Ab	
A //6 JCC# 1 2//7 JCC# 1 House Members Senate Members	
MacMillan Ch. Taiterd Ch. Tinton Johnson Marfield	
[] Request for New Committee. 2/22 [1] House Adopted JCC# [] House Did Not Adopt JCC#	
Aye 58 No o Ex o2 Ab o [1] Senate Adopted [] Senate Did Not Adopt	
Aye_27_No_0_ExAb_0 /JCC#_2/JCC#_2	
House Members Senate Members Ch.	
/ [] Request for New Committee.	
/ [] House Adopted JCC#	
[] Senate Adopted [] Senate Did Not Adopt AyeNoExAb	
ChCh.	
/ [] Request for New Committee/_ [] House Adopted JCC#/_ [] House Did Not Adopt JCC#	
AyeNoExAb [] Senate Adopted [] Senate Did Not Adopt	
AyeNoExAb	

: .

HOUSE BILL NO. 0187

INTRODUCED

Administrative rules process-amendments.

Sponsored by: Representative(s) MACMILLAN, BEBOUT, BOWRON, CASE,
LUTHI, MARTON and PARADY and Senator(s) ENZI and PICARD

A BILL

for

- AN ACT to amend W.S. 16-3-103(a)(i)(intro) and (C) and (D)
- and by creating new subparagraphs (E) and (F) and (ii) and
- 3 by creating new subsections (e) and (f) relating to the
- 4 Wyoming Administrative Procedure Act; modifying notice
- 5 requirements and procedures for agency adoption of rules;
- 6 and providing for an effective date.
- 7 Be It Enacted by the Legislature of the State of Wyoming:
- 8 Section 1. W.S. 16-3-103(a)(i)(intro) and (C) and (D)
- 9 and by creating new subparagraphs (E) and (F) and (ii) and
- 10 by creating new subsections (e) and (f) is amended to
- 11 read:

LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes

NO SIGNIFICATE LEVEL

нв <u>/87</u>

- 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 (a) Prior to an agency's adoption, amendment or
- 5 repeal of all rules other than interpretative rules or
- 6 statements of general policy, the agency shall:
- 7 (i) Give at least forty-five (45) days notice of
- 8 its intended action. Notice shall be mailed to all persons
- 9 making timely requests of the agency for advanced notice
- of its rulemaking proceedings and to the attorney general
- and the legislative service office if a state agency. The
- 12 agency shall submit a copy of the proposed rules, in a
- 13 format conforming to any requirements prescribed pursuant
- 14 to subsection (f) of this section, with the notice given
- 15 to the legislative service office. The notice shall
- 16 include:
- 17 (C) If an amendment or a repeal, the cita-
- 18 tion to the agency rule to be amended or repealed; and
- 19 (D) If new rules, a statement that they are
- 20 new rules and a citation of the statute which authorizes
- 21 adoption of the rules; -

_	(E) The place where an interested person
2	may obtain a copy of the proposed rules in a format con-
3	forming to any requirements prescribed pursuant to subsec-
4	tion (f) of this section; and
5	(F) If the agency asserts that the rule is
6	proposed to be adopted, amended or repealed in order for
7	the state to comply with federal law or regulatory
8	requirements:
9	(I) A statement that the adoption,
LO	amendment or repeal of the rule is required by federal law
L1	or regulation together with citations to the applicable
12	federal law or regulation; and
L3	(II) A statement whether the proposed
L 4	rule change meets minimum federal requirements or whether
15	the proposed rule change exceeds minimum federal require-
L6	ments.
L7	(ii) Afford all interested persons reasonable
18	opportunity to submit data, views or arguments, orally or
L9	in writing: , provided:
20	(A) In the case of substantive rules,
21	opportunity for oral hearing must shall be granted if

21

1	requested by twenty-five (25) persons, or by a governmen-
2	tal subdivision, or by an association having not less than
3	twenty-five (25) members. No hearing under this paragraph
4	subparagraph shall be conducted until at least forty-five
5	(45) days after the <u>later of:</u>
6	(I) The date notice of intended action
7	is given under paragraph (i) of this subsection; - or
8	(II) The date notice is published if
9	publication is required by subsection (e) of this section.
10	(B) The agency shall consider fully all
11	written and oral submissions respecting the proposed
12	rule;:
13	(C) If prior to final adoption any person
14	objects to the accuracy of a statement made by the agency
15	pursuant to W.S. 16-3-103(a)(i)(F)(I) or (II), the agency
16	shall:
17	(I) Provide the objecting person with
18	a written response explaining and substantiating the
19	agency's position by reference to federal law or regula-
20	tions; and

- 4 -

(II) Include with the final rules sub-

- 1 mitted for review to the governor and legislative service
- 2 office a concise statement of the objection and the
- 3 agency's response.
- 4 (D) Upon adoption of the rule, the agency,
- 5 if requested to do so by an interested person, either
- 6 prior to adoption or within thirty (30) days thereafter,
- 7 shall issue a concise statement of the principal reasons
- 8 for overruling the consideration urged against its adop-
- 9 tion.
- 10 (e) If a state agency created as a licensing or regu-
- 11 latory board or commission for any profession or occupa-
- 12 tion regulated under title 33 regularly publishes a news-
- 13 letter, memorandum or other written or electronic communi-
- 14 cation which serves as a medium to provide information to
- members of the regulated profession or occupation, then in
- 16 addition to the notice requirements of subsection (a) of
- this section, the agency shall publish therein notice of
- its intended rulemaking proceedings at least once prior to
- 19 taking final action to adopt, amend or repeal any rule.
- 20 This subsection shall not apply to emergency rules adopted
- 21 pursuant to subsection (b) of this section.
- 22 <u>(f)</u> The state registrar of rules shall prescribe a

- 1 format for state agencies to follow in preparing proposed
- 2 amendments to existing rules which shall ensure that addi-
- 3 tions to and deletions from existing language are clearly
- 4 indicated.
- 5 Section . This act is effective July 1, 1995.
- 6 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

HB0187 HS01 Cheyen	ne,January 20, 19
Mr. Speaker:	
Your Committee No. 1 on to whom was referred House Bill No.	JUDIGIARY 0187
respectfully reports same back to the House with the re	ecommendation that 12
DO PASS as amended. See attached Schedule A.	

AYES NORS EXCUSED

Barker
Hanes
Luthi
McConigley
Nagel
Nelson
Rose
Wasserburger
Tipton

Harry B. Tipton,

Chairman

DATE $\frac{1/26}{}$ BI	ILL NO. $\int_{-\infty}^{A}$	MENDMENT 48187	LIST _ Circle	One: COW 2m	d 3rd
HB 187 HSO	I/A				

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

	Cheyenne,	February	6	, 19.95
Mr. President:				
Your Committee No. 01	onJUDIC	IARY		
to whom was referred	No. HB187ENG			***************************************
respectfully reports same back to the S	Senate with the recor	mmendation	that	
ir no Page				

AYES || Senators:

NOES Senators:

Kuns, Chairman Goodenough Miller Phillips

April Brimmer Kuns Chairman

DATE 2-13-95 BILL NO. 4	MENDMENT	One: COW	2nd	3rd
48 DIBJSHOI/AE E	425			

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MR. PRESIDENT							. ∨
PRESENT		YES	96	<u> </u>	<u> </u>	Passe	
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Message No. 327

Concurrence Requested

Mr. Speaker:

February 15, 1995

H.B. No. 0187

Administrative rules process-amendments.

The House Bill listed above passed on third reading in an amended form as follows by the vote indicated.

HB0187SW01/AE

TO ENGROSSED COPY

Page 5-line 17

After "therein" insert "the proposed rules in a format conforming to any requirements prescribed pursuant to subsection (f) of this section or, if the agency determines publication in such manner is not practicable, it shall publish therein". ENZI

Ayes 28 Noes 2 Excused 0 Absent 0

The Senate respectfully asks the House to concur by adopting the listed amendments.

Sincerely,

Liv C. Hanes

Senate Chief Clerk

Bill Jacket Attached

SCHEDULE A

Page 3-line 5	After "that" delete	"the" insert "a	ll or a
	portion of a".		

- Page 5-line 18

 After "proceedings" insert "and make available the full text of all proposed changes in the format conforming to any requirements prescribed pursuant to subsection (f) of this section".
- Page 6-line 5 After "Section" insert "2".

CONSENT LIST / HR 128, 181, 187, 188, 213, 238 HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

							_				Rules/Susp
Other	Actio	n:			<u> </u>		···			1c	C#
Move	d by:					Second	ded by	/:	w 		
Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
~					ANDERSON						MORROW
V					BADGETT	1					NAGEL
					BAKER	1					NELSON
/					BARKER	1					PARADY
				-	BATY	1/				,	PARK
					BEBOUT	17					PASENEAUX
	-				BENSEL	1/					PERKINS
1					BETTS	1/					PHILP
	-				BOSWELL	1/					REED
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					DIERCKS	17					SHREVE
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					GAMS	17					STARK
					HAGEMAN	1/					TAYLOR-HORTON
1					HANES	1					TEMPEST
/					HARRISON	1					TIPTON
~					HINCHEY	1					TOMASSI
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HB0187HS01/ 1 Page 3-line 5 After "that" delete "the" insert "all or a 2 3 portion of a". After "proceedings" insert "and make available the full text of all proposed changes 4 ✓ Page 5-line 18 5 6 in the format conforming to any requirements prescribed pursuant to subsection (f) 7 8 of this section". Page 6-line 5 After "Section" insert "2". TIPTON, CHAIR-9 10 MAN

ENGROSSED

1995

STATE OF WYOMING

95LSO-0357.ENG

HOUSE BILL NO. 0187

Administrative rules process-amendments.

Sponsored by: Representative(s) MACMILLAN, BEBOUT, BOWRON, CASE, LUTHI, MARTON and PARADY and Senator(s) ENZI and PICARD

A BILL

for

- 1 AN ACT to amend W.S. 16-3-103(a)(i)(intro) and (C) and (D)
- 2 and by creating new subparagraphs (E) and (F) and (ii) and
- 3 by creating new subsections (e) and (f) relating to the
- 4 Wyoming Administrative Procedure Act; modifying notice
- 5 requirements and procedures for agency adoption of rules;
- 6 and providing for an effective date.
- 7 Be It Enacted by the Legislature of the State of Wyoming:
- 8 Section 1. W.S. 16-3-103(a)(i)(intro) and (C) and (D)
- 9 and by creating new subparagraphs (E) and (F) and (ii) and
- 10 by creating new subsections (e) and (f) is amended to
- 11 read:

LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes

- 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 (a) Prior to an agency's adoption, amendment or
- 5 repeal of all rules other than interpretative rules or
- 6 statements of general policy, the agency shall:
- 7 (i) Give at least forty-five (45) days notice of
- 8 its intended action. Notice shall be mailed to all persons
- 9 making timely requests of the agency for advanced notice
- of its rulemaking proceedings and to the attorney general
- 11 and the legislative service office if a state agency. The
- 12 agency shall submit a copy of the proposed rules, in a
- 13 format conforming to any requirements prescribed pursuant
- 14 to subsection (f) of this section, with the notice given
- 15 to the legislative service office. The notice shall
- 16 include:
- 17 (C) If an amendment or a repeal, the cita-
- 18 tion to the agency rule to be amended or repealed; and
- 19 (D) If new rules, a statement that they are
- 20 new rules and a citation of the statute which authorizes
- 21 adoption of the rules;

1	(E) The place where an interested person
2	may obtain a copy of the proposed rules in a format con-
3	forming to any requirements prescribed pursuant to subsec-
4	tion (f) of this section; and
5	(F) If the agency asserts that all or a
б	portion of a rule is proposed to be adopted, amended or
7	repealed in order for the state to comply with federal law
8	or regulatory requirements:
9	(I) A statement that the adoption,
10	amendment or repeal of the rule is required by federal law
11	or regulation together with citations to the applicable
12	federal law or regulation; and
13	(II) A statement whether the proposed
14	rule change meets minimum federal requirements or whether
15	the proposed rule change exceeds minimum federal require-
16	ments.
17	(ii) Afford all interested persons reasonable
18	opportunity to submit data, views or arguments, orally or
19	in writing: , provided:
20	(A) In the case of substantive rules,
21	opportunity for oral hearing must shall be granted if

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requested by twenty-five (25) persons, or by a governmen-

- 2 tal subdivision, or by an association having not less than 3 twenty-five (25) members. No hearing under this paragraph subparagraph shall be conducted until at least forty-five 4 5 (45) days after the later of: 6 (I) The date notice of intended action 7 is given under paragraph (i) of this subsection; - or 8 (II) The date notice is published if 9 publication is required by subsection (e) of this section. The agency shall consider fully all 10 (B) written and oral submissions respecting the proposed 11 12 rule;
- (C) If prior to final adoption any person

 objects to the accuracy of a statement made by the agency

 pursuant to W.S. 16-3-103(a)(i)(F)(I) or (II), the agency

 shall:
- (I) Provide the objecting person with

 a written response explaining and substantiating the

 agency's position by reference to federal law or regula
 tions; and
- 21 (II) Include with the final rules sub-

- 1 mitted for review to the governor and legislative service
- 2 office a concise statement of the objection and the
- 3 agency's response.
- 4 (D) Upon adoption of the rule, the agency,
- 5 if requested to do so by an interested person, either
- 6 prior to adoption or within thirty (30) days thereafter,
- 7 shall issue a concise statement of the principal reasons
- 8 for overruling the consideration urged against its adop-
- 9 tion.
- 10 (e) If a state agency created as a licensing or requ-11 latory board or commission for any profession or occupation regulated under title 33 regularly publishes a news-12 13 letter, memorandum or other written or electronic communication which serves as a medium to provide information to 14 members of the regulated profession or occupation, then in 15 16 addition to the notice requirements of subsection (a) of this section, the agency shall publish therein notice of 17 its intended rulemaking proceedings and make available the 18 19 full text of all proposed changes in the format conforming 20 to any requirements prescribed pursuant to subsection (f) 21 of this section at least once prior to taking final action 22 to adopt, amend or repeal any rule. This subsection shall 23 not apply to emergency rules adopted pursuant to subsec-

- 1 tion (b) of this section.
- 2 (f) The state registrar of rules shall prescribe a
- 3 format for state agencies to follow in preparing proposed
- 4 amendments to existing rules which shall ensure that addi-
- 5 tions to and deletions from existing language are clearly
- 6 <u>indicated.</u>
- 7 Section 2. This act is effective July 1, 1995.
- 8 (END)

JOINT CONFERENCE REPORT

H.B. No. 0187 Administrative rules process-amendments.
Reference Senate Message No. 327

нв0187ЈС01/Д

TO ENGROSSED COPY

Delete the following Senate amendment:

HB0187SW01/AE

Further amend the ENGROSSED COPY as follows:

Page 5-lines 10 through 23 Delete.

Page 6-line 1 Delete and insert:

latory board or commission for any profession or occupation regulated under title 33 regularly publishes a newsletter, memorandum or other written or electronic communication which serves as a medium to provide information to members of the regulated profession or occupation, then in addition to the notice requirements of subsection (a) of this section, the agency shall publish within that medium the proposed rules in a format conforming to any requirements prescribed pursuant to subsection (f) of this section. If the agency determines publication in such manner is not practicable, it shall publish within the chosen medium at least once prior to taking final action to adopt, amend or repeal any rule notice of its intended rulemaking proceedings and make available the full text of all proposed changes in the format conforming to any requirements prescribed pursuant to subsection (f) of this section. This subsection shall not apply to emergency rules adopted pursuant to subsection (b) of this section."

HOUSE

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HB0187SW01/AE

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Page 5-line 17

After "therein" insert "the proposed rules in a format conforming to any requirements prescribed pursuant to subsection (f) of this section or, if the agency determines publication in such manner is not practicable, it shall publish therein". ENZI

Dr. W

T Delete the following Senate amendment:

HB0187SW01/AE

Further amend the ENGROSSED COPY as follows:

Page 5-lines 10 through 23 Delete.

 \checkmark Page 6-line 1 Delete and insert:

"(e) If a state agency created as a licensing or regulatory board or commission for any profession or occupation regulated under title 33 regularly publishes a newsletter, memorandum or other written or electronic communication which serves as a medium to provide information to members of the regulated profession or occupation, then in addition to the notice requirements of subsection (a) of this section, the agency shall publish within that medium the proposed rules in a format conforming to any requirements prescribed pursuant to subsection (f) of this section. If the agency determines publication in such manner is not practicable, it shall publish within the chosen medium at least once prior to taking final action adopt, amend or repeal any rule notice of its intended rulemaking proceedings and make available the full text of all proposed changes in the format conforming to any requirements prescribed pursuant to subsection (f) of this section. This subsection shall not apply to emergency rules adopted pursuant to subsection (b) of this MACMILLAN, JOHNSON, TIPTON, TWIFORD, VINICH, section.". MAXFIELD

Date	1- 3	30-	75	Bill #	<u> #8 /8 7</u> Intro _	3r	d Rdg	- Comme	Conc	ur	Rules/Susp
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APPOINTMENT OF CONFERENCE COMMITTEE

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