

Rulemaking Process

Getting Started

State agencies may, at any time, draft proposed rules in consultation with the Attorney General.

When ready, the agency will seek permission, from the Governor, to proceed with rule making. When approved, the agency then files a proposed rules packet with the Secretary of State's Office, containing a Notice of Intent, Statement of Principal Reasons, and text of the rules, in both a strike and underscore format and a "clean" format. The strike and underscore makes it evident what rule language is being removed and added.

Public Comment

After receiving the Governor's approval to proceed, state agencies must provide a minimum of 45 days for public comment. At this time, an agency notifies individuals and/or organizations interested in its rulemaking activities and may publish the Notice of Intent in a newspaper of general circulation. Proposed rules are available to the public on the Administrative Rules System and the public may make public comments to the agency by using the link available on the proposed rule record.

An agency is not required to have a public hearing, but may choose to do so during the public comment period.

After Public Comment

If any agency does not have a public hearing scheduled and is requested to do so by 25 or more people, that hearing must occur after the scheduled public comment period.

Public comments, whether written or oral, are reviewed and considered by the agency. If there are substantive changes, the agency might decide not to pursue the rule and instead withdraw it; or begin the rule making process again by redrafting the proposed rules and beginning a new 45-day public comment period.

Most often, the agency will make minor modifications to the rules based on the public comment, adopt the proposed rule, and proceed forward to final rule filing / completion.

Completion

From the date of adoption, there is a 75-day time period in which the Legislature reviews the rules and provides feedback to the Governor; the Attorney General's Office reviews the rules and makes a recommendation to the Governor; and the Governor signs the certification page. Once signed, the approval is delivered to the Secretary of State's Office for filing.

If the Governor disapproves the rule, he may decide to veto the entire rule and end the rule promulgation; or he may line-item veto a portion of the rule and approve the remainder. For line-item vetoes, the approved portion of the rule is valid and the disapproved portion is null and void.

Following filing of its rule with the Secretary of State, the agency has 10 days to mail notice to interested persons that the rule has been filed.

The rule will remain effective until it is superseded by another rule (amended), is temporarily replaced by an emergency rule, or is repealed altogether.

Emergency Rulemaking

Getting Started

State agencies may draft emergency rules in consultation with the Attorney General. Emergency rules are used when the agency finds that an emergency requires the agency to proceed with rule making without notice or opportunity for a hearing.

When ready, the agency files an emergency rules packet containing a memorandum to the Governor explaining the emergency, a Statement of Principal Reasons, the certification page, and the text of the rules, in both a strike and underscore format and a "clean" format. The strike and underscore makes it evident what rule language is being removed

and added.

Completion

Once the agency adopts the rules, the emergency rules packet is provided to the Governor for his review. The Governor may send the emergency rules back to the agency for further drafting, or he may sign the emergency rules and send them to the Secretary of State for filing.

Emergency rules are temporary rules, effective for no longer than 120 days. The same emergency rules may be refiled for an additional 120-days, but cannot be in place for more than 240 days. Upon their expiration, the existing regular rules once again become effective until amended by another rule.

Wyoming Register

Wyoming Administrative Procedure Act