

HOUSE BILL NO. HB0113

Regulatory review and rescission.

Sponsored by: Representative(s) Wallis and Senator(s) Case

A BILL

for

1 AN ACT relating to the administration of government;
2 creating a procedure for regulatory review and rescission;
3 requiring a cost benefit analysis of all proposed and
4 selected existing administrative agency rules and executive
5 orders as specified; prescribing the contents of a cost
6 benefit analysis; granting rulemaking authority;
7 authorizing the governor to rescind existing rules;
8 providing an appropriation; and providing for an effective
9 date.

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

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13 **Section 1.** W.S. 28-9-109 is created to read:

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15 **28-9-109. Rescission of rules by governor.**

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1 The governor may rescind any agency rule upon the
2 recommendation of the legislative management council if the
3 governor determines that the costs of the rule exceed its
4 benefits, or if there is an adverse impact on employment or
5 economic development in the state.

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7 **Section 2.** W.S. 16-3-103(a)(i) by creating a new
8 subparagraph (H) and by creating a new subsection (j),
9 28-9-102(a)(i) and by creating a new subsection (b),
10 28-9-103(b) and (d), 28-9-106 by creating new subsections
11 (c) and (d) and 28-9-108 are amended to read:

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13 **16-3-103. Adoption, amendment and repeal of rules;**
14 **notice; hearing; emergency rules; proceedings to contest;**
15 **review and approval by governor; cost benefit analysis.**

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17 (a) Prior to an agency's adoption, amendment or
18 repeal of all rules other than interpretative rules or
19 statements of general policy, the agency shall:

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21 (i) Give at least forty-five (45) days notice of
22 its intended action. Notice shall be mailed to all persons
23 making timely requests of the agency for advanced notice of
24 its rulemaking proceedings and to the attorney general, the

1 secretary of state's office as registrar of rules, and the
2 legislative service office if a state agency. The agency
3 shall submit a copy of the proposed rules, in a format
4 conforming to any requirements prescribed pursuant to
5 subsection (f) of this section, with the notice given to
6 the legislative service office. The notice shall include:

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8 (H) A cost benefit analysis of the proposed
9 rule, containing those items specified in subsection (j) of
10 this section. However, if the agency finds that a proposed
11 rule is a technical amendment with no substantive effect on
12 the existing rule's costs and benefits, the agency shall
13 not be required to prepare a cost benefit analysis of the
14 rule under this subparagraph but shall include a statement
15 explaining why there is no such effect.

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17 (j) The cost benefit analysis required by
18 subparagraph (a)(i)(H) of this section shall include:

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20 (i) An estimate of the primary and direct
21 benefits of the rule, including the impact on:

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23 (A) Consumer protection;

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1 (B) Worker safety;

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3 (C) Employment;

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5 (D) Energy reliability;

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7 (E) The environment; and

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9 (F) Business competitiveness as it exists
10 before the rule's adoption.

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12 (ii) An estimate of the secondary or indirect
13 benefits of the rule and an explanation of how the conduct
14 regulated by the rule is linked to the primary and
15 secondary benefits;

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17 (iii) An estimate of any costs or savings to
18 regulated persons, including individuals and businesses, as
19 a result of the rule, including any costs or savings from:

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21 (A) A change in an existing regulatory
22 requirement;

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24 (B) The imposition of a new requirement; or

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(C) The imposition of cumulative requirements.

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(iv) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

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28-9-102. Powers and duties.

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(a) The council may:

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(b) The council, in consultation with the management audit committee, shall establish procedures to review selected existing rules, regulations and executive orders

1 in the same manner as proposed rules, regulations and
2 orders.

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4 **28-9-103. Submission of rules for review; notice to**
5 **legislators.**

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7 (b) An agency shall submit copies of adopted, amended
8 or repealed rules, along with the cost benefit analysis
9 required by W.S. 16-3-103(a)(i)(H), to the legislative
10 service office for review pursuant to W.S. 28-9-104 within
11 ten (10) days after the date of the agency's final action
12 adopting, amending or repealing those rules.

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14 (d) Upon receipt of an agency's notice to adopt new
15 rules pursuant to W.S. 16-3-103(a)(i), the legislative
16 service office shall give notice to the primary sponsor of
17 the legislation, to members of the interim or standing
18 committee which sponsored or acted upon the legislation
19 authorizing the new rules and to any other legislator
20 requesting notification. The notice given by the
21 legislative service office shall state a copy of the rules
22 and the proposing agency's cost benefit analysis will be
23 sent if requested. Notice under this subsection is not

1 required for persons not currently serving in the
2 legislature.

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4 **28-9-106. Council recommendations to the agency;**
5 **time.**

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7 (c) The council shall review the agency's cost
8 benefit analysis and may provide comment on the analysis to
9 the agency and the governor.

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11 (d) The council may recommend rescission of any
12 existing rule to the governor if the council determines
13 that the costs of the rule exceed the benefits of the rule,
14 or if there is an adverse impact on employment or economic
15 development in the state.

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17 **28-9-108. Submitting rules to legislative service**
18 **office required.**

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20 No rule shall be filed with the secretary of state pursuant
21 to the Wyoming Administrative Procedure Act, except an
22 emergency regulation adopted as provided by W.S.
23 16-3-103(b), unless the rule and a cost benefit analysis of

1 the rule has been submitted to the legislative service
2 office for review as provided by this act.

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4 **Section 3.** There is appropriated two hundred fifty
5 thousand dollars (\$250,000.00) from the general fund to the
6 governor's office. This appropriation shall be for the
7 period beginning with the effective date of this act and
8 ending June 30, 2014. This appropriation shall only be
9 expended for the purpose of conducting a review of all
10 existing executive branch rules and regulations to
11 determine those that are obsolete or otherwise should be
12 rescinded as provided in this act. Notwithstanding any
13 other provision of law, this appropriation shall not be
14 transferred or expended for any other purpose and any
15 unexpended, unobligated funds remaining from this
16 appropriation shall revert as provided by law on June 30,
17 2014. This appropriation shall not be included in the
18 governor's 2015-2016 standard biennial budget request.

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20 **Section 4.** This act is effective July 1, 2013.

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(END)