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November 19, 2015

ATTN: Document Control Desk U.S. Nuclear Regulatory Commission
Ms. Pamela Henderson
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Our office represents the Wyoming Department of Environmental Quality ("WYDEQ"). This letter is in response to a letter from you and the Nuclear Regulatory Commission ("Commission") dated September 28, 2015. In that letter, the Commission provided 27 comments related to the proposed bill containing amendments and additions to Wyoming House Bill HB0027, sent to you by Ryan Schierman, Program Manager, on August 13, 2015.¹

Although we discussed the Commission's comments on September 24, 2015, the Commission requested that the WYDEQ respond to the Commission's concerns by either directing the Commission to already established Wyoming statutes, or through interpretation of state law provided by the State Attorney General's office or a legal advisor to the radioactive materials program. Accordingly, on behalf of WYDEQ, please find responses to the Commission's comments in sequential order below. For your convenience, we have restated the Commission's comments in bold. For your reference, we have attached, hereto as *Exhibit A*, the

¹ On approximately September 21, 2015, Mr. Schierman sent the Commission an updated proposed bill, which contained minor changes to the version sent to the Commission on August 13, 2015. Comments 23 through 27 in the Commission's September 28, 2015 letter specifically relate to the version sent to the Commission on September 21, 2015.

most current proposed bill which will be sponsored by the Joint Minerals Committee during the 2016 Legislative Session. Please let me know if you would like copies of the prior versions of the proposed bill sent to the Commission on August 13, 2015 and September 21, 2015.

1. **The Wyoming legislation does not directly establish a radioactive materials program or define its structure. Please see SA-700, Section 4.1.1.1, "Information Needed," paragraph (a).**

The proposed bill is only part of the legal framework that will establish Wyoming's Agreement State Program. Existing statutes, such as the Wyoming Environmental Quality Act and the Wyoming Administrative Procedure Act will also govern the program. Additionally, the WYDEQ is developing rules and regulations specific to the program. These rules and regulations will be submitted as part of the final packet presented to the Commission.

Section 4.1.1.1(a) of SA-700, Handbook for Processing an Agreement, requires that state law "[e]stablishes the Agreement materials program, defines its structure, and authorizes the Governor to enter into an Agreement with the Commission." The requirements of Section 4.1.1.1(a) are satisfied in the following ways:

- (1) Proposed Wyoming Statute § 35-11-2001(c) authorizes the Governor to enter into an Agreement with the Commission;
- (2) Proposed Wyoming Statute § 35-11-2001(b) establishes that WYDEQ will serve as the lead agency for the program;
- (3) Proposed Wyoming Statutes §§ 35-11-2003 through -2204 establishes regulatory authority over licensing and enforcement; and
- (4) Proposed Wyoming Statute § 35-11-2002 authorizes WYDEQ to establish rules and regulations, which will better define the program and its structure.

2. **Although the Wyoming legislation does authorize the program to issue licenses, the Wyoming legislation does not clearly authorize the program to:**

- recognize the licenses of other jurisdictions; or
- make it unlawful to acquire, possess, store, use, transfer, or dispose of materials without a valid license, or to violate the conditions of a license; or
- recognize licenses transferred from the U.S. Nuclear Regulatory Commission (NRC) under the Agreement as State licenses.

Please see SA-700 Handbook, Section 4.1.1.1, "Information Needed," paragraph (b) (2), (3), (4), and (5).

There is no need to recognize the licenses of other jurisdictions because Wyoming seeks authority only over source material from recovery or milling and byproduct material. Unlike other States which regulate all categories of materials under Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2021), Wyoming's program will not trigger the need for reciprocity, and any such statute would be superfluous. This is an ongoing topic of conversation

with the Commission, and it is our understanding this issue will be addressed in a future Commission paper.

The remaining requirements of SA-700, Handbook for Processing an Agreement, Section 4.1.1.1(b) are satisfied. Proposed Wyoming Statute § 35-11-2002(a) governs unlicensed activities and makes it unlawful to “acquire, own, possess, transfer, offer or receive for transport or use any source material from recovery or milling” without a valid license. Proposed Wyoming Statutes §§ 35-11-2003 through -2004 provides additional authority to impose, regulate, and enforce licensing conditions. Proposed Wyoming Statute § 35-11-2003(f) authorizes enforcement actions for noncompliance with program requirements, which include licensing conditions.

With respect to licenses transferred from the Commission under the Agreement, proposed Wyoming Statute § 35-11-2003(a) provides that WYDEQ “shall recognize existing and effective licenses issued by the [Commission].”

3. **Although the Wyoming legislation does authorize the program to adopt regulations, the Wyoming legislation does not specify the procedures and requirements for adoption of regulations, including public participation. Please see SA-700 Handbook, Section 4.1.1.1, “Information Needed,” paragraph (c)(1).**

Wyoming’s Administrative Procedure Act, specifically Wyoming Statutes §§ 16-3-101 through -106, specifies the procedures and requirements for the adoption of rules for all Wyoming state agencies, including public participation requirements. These statutes are attached hereto as *Exhibit B*.

4. **The Wyoming legislation does not expressly authorize the program to require compliance with regulatory requirements by both licensees and unlicensed individuals. Please see SA-700 Handbook, Section 4.1.1.1, “Information needed,” paragraph (e) for information regarding this matter.**

Proposed Wyoming Statute § 35-11-2002(a) governs the regulation and penalization of unlicensed activities and individuals. Specifically, proposed Wyoming Statute § 35-11-2002(a) prohibits unlicensed activity and allows WYDEQ to regulate unlicensed activity and penalize unlicensed individuals.

Proposed Wyoming Statutes §§ 35-11-2003 through -2004 specifically requires compliance with regulatory requirements by licensed individuals.

5. **The Wyoming legislation does not expressly authorize the program to impose sanctions for violations of the regulations, orders, or license conditions. Please see SA-700 Handbook, Section 4.1.1.1, “Information needed,” paragraph (f) for information regarding this matter.**

Proposed Wyoming Statute § 35-11-2003(f) authorizes WYDEQ, through its director, to “suspend licenses and conduct enforcement actions” A sanction is a type of enforcement action.

Wyoming Statute § 35-11-901 of the Environmental Quality Act also authorizes WYDEQ to impose penalties for violations.

Additionally, Wyoming’s Agreement State Program is within the Land Quality Division of WYDEQ. Unless otherwise provided in Article 20, the Land Quality statutes, Article 4 of the Environmental Quality Act, apply. This includes Wyoming Statute § 35-11-412, which provides additional authority for license revocation and suspension.

6. **The Wyoming legislation does not establish conflict of interest and ethics regulations or procedures applicable to those portions of the State radiation control program covered by the Agreement. Please see SA-700 Handbook, Section 4.1.1.1, “Information needed,” paragraph (g) for information regarding this matter.**

The applicable general Wyoming statutes on conflict of interest and ethics are attached hereto as *Exhibit C*. Existing WYDEQ conflict of interest and ethics policies and procedures apply to the program. Any necessary and additional conflict of interest and ethics policies and procedures will be established through rules and regulations.

7. **Although the Wyoming legislation does not apply to nuclear reactors, the Wyoming legislation does not explicitly exclude other materials or activities reserved to the NRC under Section 274c of the Atomic Energy Act of 1954, as amended, and Title 10 of the Code of Federal Regulations Part 150. Please see SA-700 Handbook, Section 4.1.1.2, “Evaluation Criteria,” paragraph (b) for information regarding this matter.**

SA-700, Handbook for Processing an Agreement, Section 4.1.1.2(b), provides that state law “must not seek to regulate materials or activities reserved to the [Commission].” Proposed Wyoming Statute § 35-11-2001(a) mandates that the Commission “shall maintain regulation over the activities reserved under Section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.”

8. **The Wyoming legislation does not provide for recognition of licenses transferred from the NRC to the State under the Agreement, and the Wyoming legislation does not authorize the reciprocal recognition of specific licenses issued by the NRC or other Agreement States. Please see SA-700 Handbook, Section 4.1.1.2, “Evaluation Criteria,” paragraph (c) for information regarding this matter.**

As previously discussed in Comment No. 2, there is no need to recognize the licenses of other jurisdictions because Wyoming seeks authority only over source material from recovery or milling and byproduct material.

With respect to Commission issued licenses, proposed Wyoming Statute § 35-11-2003(a) provides that WYDEQ “shall recognize existing and effective licenses issued by the [Commission].”

9. **The Wyoming legislation does not contain a general authorization to conduct inspections of licensee operations to ensure compliance with regulatory requirements. The Wyoming legislation also does not authorize inspections of unlicensed facilities to assess the risk resulting from accidents or environmental releases of materials. Please see SA-700 Handbook, Section 4.1.1.2, “Evaluation Criteria,” paragraph (g) for information regarding this matter.**

Proposed Wyoming Statute § 35-11-2003(d) authorizes WYDEQ to conduct inspections of licensee operations to ensure compliance with regulatory requirements.

Proposed Wyoming Statute § 35-11-2002(a) authorizes WYDEQ to regulate and penalize unlicensed activities. Additionally, WYDEQ can issue emergency orders pursuant to Wyoming Statute § 35-11-115. WYDEQ can also obtain an administrative warrant for inspections of unlicensed facilities when there is a threat to public health and safety.

10. **The Wyoming legislation does not provide for imposition of civil penalties, and the Wyoming legislation does not provide general authority to take prompt enforcement action and does not authorize a variety of legal sanctions, including suspension of licenses and impoundment of materials. In cases of imminent threat to public health and safety, the law should authorize immediate suspension without prior hearing. Please see SA-700 Handbook, Section 4.1.1.2, “Evaluation Criteria,” paragraph (h) for information regarding this matter.**

Wyoming Statute § 35-11-901 of the Environmental Quality Act authorizes WYDEQ to impose penalties for violations.

Proposed Wyoming Statute § 35-11-2003(f) authorizes WYDEQ to immediately suspend a license. WYDEQ can take other enforcement actions as dictated by Article 4, including permit revocation and license revocation and suspension. *See* Wyo. Stat. §§ 35-11-409 through -412. Additionally, the director has the authority to issue emergency orders pursuant to Wyoming Statute § 35-11-115.

The impoundment of materials will be further defined in rules and regulations.

11. **The Wyoming legislation does not provide for the imposition of civil penalties, and the Wyoming legislation does not:**

- **authorize suspension or revocation of a license for repeated or continued noncompliance;**
- **authorize the program to seek injunctive relief; or**
- **authorize the program to refer licensees for criminal prosecution.**

Please see SA-700 Handbook, Section 4.1.1.2, "Evaluation Criteria," paragraph (i) for information regarding this matter.

Wyoming Statute § 35-11-901 of the Environmental Quality Act authorizes WYDEQ to impose penalties for violations.

Proposed Wyoming Statute § 35-11-2003(f) also authorizes suspension and revocation of a license for repeated or continued noncompliance and injunctive relief.

Rules and regulations will authorize the program to refer licensees for criminal prosecution.

12. The Wyoming legislation does not require the program, before issuing an 11e.(2) byproduct material license, to do the following:

- give notice of the proposed licensing action and accept written comments during a public comment period;**
- prepare a written analysis of the impact on the environment of the licensed activity;**
- hold a public hearing with a transcript and cross examination;**
- prepare a written decision based on evidence presented during the public comment period. The decision must be subject to judicial review; and**
- ban major construction before the completion of the written environmental analysis.**

Please see SA-700 Handbook, Section 4.1.1.4, "Additional Evaluation Criteria for 11e.(2) Byproduct Material Agreements," paragraph (c) for information regarding this matter.

The requirements of SA-700, Handbook for Processing an Agreement, Section 4.1.1.4(c) will be satisfied through rules and regulations.

13. The Wyoming legislation does not require the Agreement materials program to provide an opportunity for public participation through written comments or public hearings during rulemaking. The legislation must also make rules subject to judicial review;

Please see SA-700 Handbook, Section 4.1.1.4, "Additional Evaluation Criteria for 11e.(2) Byproduct Material Agreements," paragraph (d) for information regarding this matter.

SA-700, Handbook for Processing an Agreement, Section 4.1.1.4(d) requires "the Agreement materials program to provide an opportunity for public participation through written comments or public hearings during rulemaking." The Wyoming Administrative Procedure Act governs the rulemaking process. Specifically, Wyoming Statute § 16-3-103 provides an opportunity for public participation during the rulemaking process through written and oral

comments and public hearing. Wyoming Statute § 16-3-114 authorizes judicial review of rules promulgated by the WYDEQ.

14. **The Wyoming legislation does not require the Agreement materials program, before terminating an 11e.(2) byproduct material license, to do the following:**
- **transfer funds collected for decommissioning and long-term surveillance and maintenance to the United States. The legislation must require this transfer when custody of the disposal site transfers to the United States. Funds transferred must include all funds collected from a licensee or its surety. The only exceptions are funds collected for decommissioning if it is completed;**
 - **choose whether or not to take title to the disposal site and byproduct material; and**
 - **obtain a determination from the Commission that all applicable standards are satisfied.**

Please see SA-700 Handbook, Section 4.1.1.4, "Additional Evaluation Criteria for 11e.(2) Byproduct Material Agreements," paragraph (e) for information regarding this matter.

After the receipt of the Commission's letter, the proposed bill was amended to include proposed Wyoming Statute § 35-11-2004, which satisfies the requirements of SA-700, Handbook for Processing an Agreement, Section 4.1.1.4(e).

15. **The Wyoming legislation must consider the authorities reserved to the NRC under the Uranium Mill Tailings Radiation Control Act (UMTRCA) (see 10 CFR 150.15(a)), including the authority to:**
- **establish minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of the 11e.(2) byproduct material;**
 - **determine, before the termination of a license, that the licensee has complied with decontamination, decommissioning and reclamation standards, and ownership requirements for sites at which 11e.(2) byproduct material is present;**
 - **require, before termination of a license for 11e.(2) byproduct material or for any activity that results in the production of such material, that the title to the 11e.(2) byproduct material and the disposal site are transferred to the Federal Government (or the State at the option of the State, provided the State exercises the option before termination of the license);**
 - **require monitoring, maintenance, and emergency measures after the license is terminated as may be necessary to protect the public health and safety for those materials and property for which the State has assumed custody;**
 - **permit use of the surface or subsurface estate, or both, of the disposal site land transferred to the United States or the State; and**

- exempt land ownership transfer requirements of Section 83(b)(1)(A) of the Atomic Energy Act of 1954, as amended (AEA).

Please see SA-700 Handbook, Section 4.1.1.4, "Additional Evaluation Criteria for 11e.(2) Byproduct Material Agreements" for information regarding this matter.

Proposed Wyoming Statute § 35-11-2004 recognizes the authorities reserved to the Commission under UMTRCA and requires that WYDEQ obtain a final determination from the Commission prior to terminating a license.

16. On page 1 line 17, it states, "authorizing the Department to implement and administer the program." The Enrolled Act No. 61 in Wyoming that restricts inspection activities creates an incompatible obstacle to assuming regulatory responsibility over the NRC responsibility for source and byproduct material. See,
**ENROLLED ACT NO. 61, SENATE
SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION**

Trespassing to unlawfully collect resource data and unlawful collection of resource data.

The language referenced in the above comment was taken from the bill summary. This is merely an introduction for the Wyoming legislature and is not part of the law. The bill summary has since been revised to more accurately reflect the amended bill. *See Exhibit A.*

Enrolled Act No. 61, SF0012, codified as Wyoming Statute § 6-3-414, will not restrict inspections of licensed operations. Wyoming Statute § 6-3-414 allows the collection of resource data if there is "other legal authorization to enter or access the land." Proposed Wyoming Statute § 35-11-2003 clearly authorizes inspections and requires that licensees both obtain and grant WYDEQ access to inspect their operations. Further, licensing conditions will require that licensees obtain and grant WYDEQ access to inspect their operations. The failure to satisfy licensing conditions will result in enforcement actions, including the suspension and revocation of licenses. Unannounced inspections of unauthorized facilities must be conducted through the use of an administrative warrant. This is true regardless of Wyoming Statute § 6-3-414. Accordingly, future WYDEQ inspectors will not be restricted from conducting inspections of licensed operations and Wyoming Statute § 6-3-414 does not create an incompatible obstacle.

Like other states, Wyoming has never condoned illegal trespass onto private property. Wyoming Statute § 6-3-414 merely establishes criminal remedies for trespass onto private property in the context of data collection. The Commission does not require that Wyoming's Agreement State Program authorize illegal trespass onto private property and there is no such compatibility requirement in SA-700, Handbook for Processing an Agreement. We are happy to address any additional questions regarding Wyoming Statute § 6-3-414.

17. On page 2 line 40, it states, "Authorization to negotiate transfer of certain nuclear regulatory functions to the state." "Assumption" of certain nuclear regulatory functions "by" the State is more accurate phrasing.

The language from the comment above refers to the title of proposed Wyoming Statute § 35-11-2001. This statute provides authority to the Governor to negotiate and enter into an agreement with the Commission, as required by SA-700, Handbook for Processing an Agreement, Section 4.1.1.1, and is discussed in the response to Comment No. 1, above. Accordingly, the use of “assumption” and “by” with respect to the authority granted to the Governor does not appear generally applicable to this statute. However, as appropriate, the phrase “assumption by the state . . .” is utilized in the body of proposed Wyoming Statute § 35-11-2001.

18. **On page 3 line 51, it states, “The Department is authorized to issue licenses as the means of authorizing licensees to possess and use source material from milling and byproduct materials.” Possession and use must be clarified and defined. The State of Wyoming cannot authorize a utilization facility under its Agreement State program.**

Proposed Wyoming Statute § 35-11-2003(a), provides that “[l]icenses issued under this section shall also authorize the possession and use of source materials from recovery or milling and byproduct material as provided in this article.” “Byproduct material,” “source material,” and “recovery or milling” are defined in proposed Wyoming Statute § 35-11-103. Proposed Wyoming Statute § 35-11-103, read as a whole, indicates no intention to assume regulatory authority over utilization facilities.

Furthermore, Section 274(c)(1) of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2014) provides that “[n]o agreement entered into pursuant to subsection b, shall provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of - the construction and operation of any production or utilization facility or any uranium enrichment facility.” Proposed Wyoming Statutes §§ 35-11-2001(a) and -2003 only authorizes the issuance of licenses in accordance with the Atomic Energy Act of 1954, as amended. Therefore, it is not possible for the Commission to delegate or WYDEQ to assume authority over utilization or enrichment facilities.

19. **On page 4 line 68, the first paragraph contains the phrase, “consistent with the Wyoming Administrative Procedure Act.” The state will need to ensure that the Wyoming Administrative Procedures Act is consistent with AEA 274o procedures. If it is not consistent, then this legislation will need to authorize the Wyoming Department of Environmental Quality (the Department) to create rules consistent with 274o.**

Proposed Wyoming Statute § 35-11-2002(b) authorizes WYDEQ to promulgate rules consistent to Section 274(o) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014). Rules and regulations will govern the procedure for issuing licenses, as required by Section 274(o).

20. **On page 4 line 80, it states “if the exemption(s) provide adequate protection of public health and safety.” Wyoming needs to include the phrase, “and are compatible with NRC regulations.”**

The suggested language has been incorporated into proposed Wyoming Statute § 35-11-2003(c).

21. **On page 4 line 86, it states “To facilitate inspections, licensees and proposed licensees shall obtain and grant access to the Department at all reasonable times.” There should be an explicit (rather than implied) repeal of the sampling trespass law.**

As previously discussed in response to Comment No. 16, Wyoming Statute § 6-3-414 does not render the program incompatible with the Commission’s requirements as set forth in SA-700, Handbook for Processing an Agreement. Pursuant to proposed Wyoming Statute § 35-11-2003(d) and through licensing conditions, WYDEQ maintains authority to conduct inspections of licensed facilities. Therefore, it is unnecessary to explicitly repeal Wyoming Statute § 6-3-414.

22. **On page 5 line 107, it states “The Department is authorized to implement through rulemaking and licensing the enforcement of the requirements of the AEA (42 U.S.C. § 2011 et seq. (2015)) under the agreement reached between the State and NRC for the AEA materials and activities described in W.S. 35-11-2001(a).” This could be stated clearer by including the phrase, “that are assumed by agreement under Section 274 of the AEA,” after the initial reference to the AEA in the sentence above.**

Proposed Wyoming Statute § 35-11-2003(a) has been revised for clarity.

23. **On page 2 line 13, the phrase, “source material from recovery or milling,” is used. This phrase can be interpreted to mean that Wyoming will be looking to assume authority over all source material. If that is the intent, it should say, “source material as defined in AEA section 11z.” If the intent is to assume authority over the milling and recovery operations that handle source material, then the wording needs to be revised (e.g. The extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, and the possession and transfer of such source material in the recovery or milling process).**

Proposed Wyoming Statute § 35-11-2001 provides definitions for “Source Material” and for “Recovery or Milling.” This clearly defines the limited scope of authority that Wyoming is seeking to assume.

24. **On page 2 line 13, the phrase, “byproduct material generated under section 274,” is used. Byproduct material is not “generated” under section 274. Please revise to state that “byproduct material included under section 274.”**

The definition of “Byproduct material” has been revised to eliminate the use of the word “generate” in this context.

25. **On page 3 line 9, the phrases, “source material from recovery or milling”, and “byproduct material generated,” are used. See comments 23 and 24.**

Please see the responses to Comments 23 and 24.

26. **On page 4 line 17, it states, “The director shall grant an exemption from a license requirement, including an exemption from the requirement to obtain a license, if the exemption provides adequate protection of public health and safety.” This language is too broad and could lead to incompatible exemptions. The exemption authority should be no broader than the NRC exemption criteria – particularly for exemptions that are non-discretionary.**

Proposed Wyoming Statute § 35-11-2003(c) has been revised to state “[t]he director shall grant an exemption . . . if the exemption provides adequate protection of public health and safety and is compatible with [Commission] requirements.”

27. **On page 5 line 5, it states, “Licensees, permittees, and applicants for a license or permit shall obtain and grant the department access to inspect their mining operations, source material recovery or milling operations and the byproduct material generated at such times and frequencies as determined necessary by the department to protect public health and safety.” This language implies that a positive determination is necessary from the Department. It could be interpreted to limit the Department’s ability to conduct routine or unannounced inspections. This phrase needs to be rephrased to state, “Licensees, permittees, and applicants for a license or permit shall obtain and grant the Department access to inspect their mining operations, source material recovery or milling operations and the byproduct material generated at such times and frequencies as conducted by the Department to protect public health and safety.”**

Proposed Wyoming Statute § 35-11-2003(d) authorizes WYDEQ to conduct inspections when necessary to protect public health and safety. In addition to this statute, licensing conditions will be imposed to further allow for inspections. It is our position that this language could not be interpreted to limit WYDEQ’s ability to conduct inspections.

We appreciate the opportunity to address the Commission's comments and welcome any additional questions or comments. Please feel free to contact me or Ryan Schierman, Program Manager, by telephone (307-777-7757) or email (Ryan.Schierman@wyo.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eva La', is written over the typed name.

Eva La

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cc: Stephen Poy
Michelle Beardsley
Chris Einberg
Duncan White
Todd Parfitt
Kyle Wendtland
Ryan Schierman

EXHIBIT A

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

NRC agreement state amendments.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; amending the
2 state's authority to regulate source material from recovery
3 or milling and the byproduct material as specified;
4 providing for the department of environmental quality to
5 implement and administer the program; requiring licensure;
6 providing license requirements as specified; providing
7 rulemaking authority; providing definitions; repealing
8 superseded provisions; and providing for an effective date.

9

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

11

12

1 **Section 1.** W.S. 35-11-2002 through 35-11-2004 are
2 created to read:

3

4 **35-11-2002. Authority of department to enforce**
5 **article; rulemaking.**

6

7 (a) Except as provided in this act, no person shall
8 acquire, own, possess, transfer, offer or receive for
9 transport or use any source material from recovery or
10 milling and the created byproduct material without having
11 been granted a license therefore from the department or the
12 nuclear regulatory commission. The department is authorized
13 to regulate and penalize any unlicensed activities
14 involving source material from recovery or milling and the
15 created byproduct material.

16

17 (b) The council, upon recommendation from the
18 director, is authorized to promulgate reasonable rules and
19 regulations necessary to effectuate the purposes of this
20 article.

21

22 **35-11-2003. Licensure; license requirements;**
23 **enforcement actions.**

1

2 (a) The director is authorized to issue licenses to
3 implement the requirements of the Atomic Energy Act of
4 1954, 42 U.S.C. § 2011 et seq., as amended. Licenses
5 issued under this section shall also authorize the
6 possession and use of source materials from recovery or
7 milling and byproduct material as provided in this article.
8 The director is further authorized to enforce license
9 provisions in accordance with this article. The department
10 shall recognize existing and effective licenses issued by
11 the nuclear regulatory commission.

12

13 (b) The director is authorized to use license
14 conditions to address matters specific to particular
15 licensees. The department may impose additional license
16 conditions when required to protect public health and
17 safety.

18

19 (c) The director shall grant an exemption from a
20 license requirement, including an exemption from the
21 requirement to obtain a license, if the exemption provides
22 adequate protection of public health and safety and is
23 compatible with nuclear regulatory commission requirements.

1

2 (d) The department shall inspect a licensee's
3 operation to ensure compliance with license conditions, as
4 determined necessary by the administrator of the land
5 quality division to protect public health and safety. The
6 department shall also inspect proposed facilities and
7 proposed expansion of existing facilities to ensure that
8 unauthorized construction is not occurring. Licensees,
9 permittees, and applicants for a license or permit shall
10 obtain and grant the department access to inspect their
11 mining operations, source material recovery or milling
12 operations and byproduct material generated at such times
13 and frequencies as determined necessary by the department
14 to protect public health and safety.

15

16 (e) When issuing a license for byproduct material
17 under this article, the director shall require licensees to
18 provide an approved financial assurance arrangement
19 consistent with nuclear regulatory commission requirements
20 provided in 10 CFR part 40, appendix A, criterion 9, as
21 amended. The arrangement shall contain sufficient funds to
22 cover the costs of decommissioning and, to the extent
23 applicable, long-term surveillance and maintenance for

1 conventional source material milling and heap leach
2 facilities.

3

4 (f) The director is authorized to suspend licenses
5 and conduct enforcement actions in accordance with this
6 article, article 9 of this chapter and rules and
7 regulations promulgated under this act. The director is
8 authorized to suspend licenses and conduct enforcement
9 actions in accordance with department rules and regulations
10 and this article. In cases of an imminent threat to public
11 health and safety, the director is authorized to issue an
12 emergency order immediately suspending a license and any
13 associated activity as provided in W.S. 35-11-115. The
14 director is authorized to suspend or revoke a license for
15 repeated or continued noncompliance with program
16 requirements pursuant to its rules and regulations and this
17 article. The director is also authorized to seek injunctive
18 relief and impose civil or administrative monetary
19 penalties as provided by law.

20

21 **35-11-2004. License conditions; termination of**
22 **licenses.**

23

1 (a) The department shall prescribe conditions in
2 licenses issued, renewed or amended for an activity that
3 results in production of byproduct material to minimize or,
4 if possible, eliminate the need for long-term maintenance
5 and monitoring before the termination of the license.

6

7 (b) Prior to terminating any license the
8 administrator of the land quality division shall obtain a
9 determination from the nuclear regulatory commission that
10 the licensee has complied with the commission's
11 decontamination, decommissioning, disposal and reclamation
12 standards.

13

14 (c) Prior to terminating a byproduct material license
15 the department will ensure the ownership of a disposal site
16 and the byproduct material resulting from licensed activity
17 are transferred to:

18

19 (i) The state of Wyoming; or

20

21 (ii) The federal government if the state
22 declines to acquire the site, the by-product material, or
23 both the site and the by-product material.

1

2 (d) Upon the transfer of a disposal site or the
3 byproduct material resulting from licensed activity to the
4 federal government, funds collected for decommissioning and
5 long term surveillance will also be transferred to the
6 federal government.

7

8 **Section 2.** W.S. 35-11-103 by creating a subsection
9 (j) and W.S. 35-11-2001 are amended to read:

10

11 **35-11-103. Definitions.**

12

13 (j) Specific definitions applying to nuclear
14 regulatory functions of the state as provided in article 20
15 of this chapter:

16

17 (i) "Byproduct material" means the tailings or
18 wastes produced by the extraction or concentration of
19 uranium and thorium from any ore processed primarily for
20 its source material content as defined in section 11(e)(2)
21 of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2),
22 as amended;

23

1 (ii) "Source Material" means uranium or thorium,
2 or any combination thereof, in any physical or chemical
3 form or ores which contain by weight one-twentieth of one
4 percent (0.05%) or more of uranium, thorium, or any
5 combination thereof. Source material does not include
6 special nuclear material;

7
8 (iii) "Recovery or milling" means as defined in
9 10 CFR part 40.4, as amended, to include any activity that
10 generates byproduct material as defined in section 11(e)(2)
11 of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2),
12 as amended.

13
14 **35-11-2001. Authorization to negotiate transfer of**
15 **certain nuclear regulatory functions to the state.**

16
17 (a) The governor, on behalf of the state, is
18 authorized to contact the ~~federal~~ nuclear regulatory
19 commission to express the intent of the state of Wyoming to
20 enter into an agreement with the nuclear regulatory
21 commission providing for the assumption by the state of
22 ~~responsibilities relating to the regulation of source~~
23 ~~materials from uranium mining and milling and the wastes~~

1 ~~associated with the recovery, mining and milling of such~~
2 ~~source materials.~~ regulatory authority over source material
3 from recovery or milling and byproduct material included
4 under section 274 of the Atomic Energy Act of 1954, 42
5 U.S.C. § 2021, as amended. The nuclear regulatory
6 commission shall maintain regulation over the activities
7 reserved under section 274 of the Atomic Energy Act of
8 1954, 42 U.S.C. § 2021, as amended.

9
10 (b) ~~The department of environmental quality shall~~
11 ~~serve as the lead agency for the regulation of source~~
12 ~~materials from uranium mining and milling and the wastes~~
13 ~~associated with the recovery, mining and milling of such~~
14 ~~source materials~~ material from recovery or milling and the
15 byproduct materials generated pursuant to the requirements
16 of this article in the state of Wyoming under any proposed
17 agreement negotiated under this section. The department is
18 authorized to enforce the requirements of the Atomic Energy
19 Act of 1954, 42 U.S.C. § 2011 et seq., as amended, under
20 the agreement reached between the state and the nuclear
21 regulatory commission as provided in section 274 of the
22 Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

23

1 (c) The governor, through the department, is
2 authorized to negotiate all aspects of a potential
3 agreement under this section between the state of Wyoming
4 and the ~~federal~~-nuclear regulatory commission. The
5 governor is authorized to enter into a final agreement with
6 the ~~federal~~-nuclear regulatory commission for the
7 regulation of ~~source materials from uranium mining and~~
8 ~~milling and the wastes associated with the recovery, mining~~
9 ~~and milling of such source materials~~ source material from
10 recovery or milling and the byproduct material generated
11 in the state of Wyoming pursuant to the requirements of
12 this ~~section~~ article. A ~~final agreement under this section~~
13 ~~shall include all necessary components of a program to~~
14 ~~regulate source materials from uranium mining and milling~~
15 ~~and the wastes associated with the recovery of such source~~
16 ~~materials.~~

17

18 **Section 3.** W.S. 35-11-2001(d) is repealed.

19

20 **Section 4.** This act is effective immediately upon
21 completion of all acts necessary for a bill to become law
22 as provided by Article 4, Section 8 of the Wyoming
23 Constitution.

2016

STATE OF WYOMING

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(END)

EXHIBIT B

West's Wyoming Statutes Annotated
Title 16. City, County, State and Local Powers (Refs & Annos)
Chapter 3. Administrative Procedure (Refs & Annos)

W.S.1977 § 16-3-101

§ 16-3-101. Short title; definitions

Currentness

(a) This act may be cited as the "Wyoming Administrative Procedure Act".

(b) As used in this act:

(i) "Agency" means any authority, bureau, board, commission, department, division, officer or employee of the state, a county, city or town or other political subdivision of the state, except the governing body of a city or town, the state legislature, the University of Wyoming and the judiciary;

(ii) "Contested case" means a proceeding including but not restricted to ratemaking, price fixing and licensing, in which legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing but excludes designations under W.S. 9-2-1022(h)(i);

(iii) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law, but it does not include a license required solely for revenue purposes;

(iv) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license;

(v) "Local agency" means any agency with responsibilities limited to less than statewide jurisdiction, except the governing body of a city or town;

(vi) "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party;

(vii) "Person" means any individual, partnership, corporation, association, municipality, governmental subdivision or public or private organization of any character other than an agency;

(viii) "Registrar of rules" for state agency rules means the secretary of state. "Registrar of rules" for local agency rules means the county clerk of the county in which the rule is to be effective;

(ix) "Rule" means each agency statement of general applicability that implements, interprets and prescribes law, policy or ordinances of cities and towns, or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

(A) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public; or

(B) Rulings issued pursuant to W.S. 16-3-106; or

(C) Intraagency memoranda; or

(D) Agency decisions and findings in contested cases; or

(E) Rules concerning the use of public roads or facilities which are indicated to the public by means of signs and signals; or

(F) Ordinances of cities and towns; or

(G) Designations under W.S. 9-2-1022(h)(i); or

(H) A general permit.

(x) "State agency" means any agency with statewide responsibilities;

(xi) "General permit" means a permit issued by the department of environmental quality which authorizes a category or categories of discharges or emissions;

(xii) "Internet" means as defined in W.S. 9-2-1035(a)(iii);

(xiii) "This act" means W.S. 16-3-101 through 16-3-115.

Credits

Laws 1965, ch. 108, § 1; Laws 1977, ch. 107, § 1; Laws 1979, ch. 154, § 1; Laws 1982, ch. 16, § 1; Laws 1982, ch. 62, § 3; Laws 1993, ch. 80, § 1; Laws 1997, ch. 83, § 1, eff. Feb. 20, 1997; Laws 2004, ch. 130, § 1, eff. March 19, 2004; Laws 2012, ch. 109, § 1, eff. March 23, 2012; Laws 2014, ch. 62, § 1, eff. July 1, 2014.

Codifications: W.S. 1957, § 9-276.19; W.S. 1977, § 9-4-101.

W. S. 1977 § 16-3-101, WY ST § 16-3-101

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West's Wyoming Statutes Annotated
Title 16. City, County, State and Local Powers (Refs & Annos)
Chapter 3. Administrative Procedure (Refs & Annos)

W.S.1977 § 16-3-102

§ 16-3-102. General rulemaking requirements; assistance and authority of attorney general

Currentness

(a) In addition to other rulemaking requirements imposed by law, each agency shall:

(i) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available in connection with contested cases;

(ii) Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(iii) Make available for public inspection all final orders, decisions and opinions.

(b) No agency rule, order or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been filed with the registrar of rules and made available for public inspection as required by this act. This subsection does not apply to orders or decisions in favor of any person or party with actual knowledge of the rule, order or decision.

(c) In formulating rules of practice as required by this section, each agency may request the assistance of the attorney general and upon request the attorney general shall assist the agency or agencies in the preparation of rules of practice.

(d) The office of administrative hearings shall adopt uniform rules for the use of state agencies setting forth the nature and requirements of all formal and informal procedures available in connection with contested cases.

(e) The attorney general may repeal administrative rules of a state agency in accordance with this act if the rules have become obsolete and no other existing agency has authority to repeal the rules.

Credits

Laws 1965, ch. 108, § 2; Laws 1977, ch. 190, § 2; Laws 1982, ch. 16, § 1; Laws 1982, ch. 62, § 3; Laws 2014, ch. 109, § 1, eff. July 1, 2014.

Codifications: W.S. 1957, § 9-276.20; W.S. 1977, § 9-4-102.

W. S. 1977 § 16-3-102, WY ST § 16-3-102

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West's Wyoming Statutes Annotated

Title 16. City, County, State and Local Powers (Refs & Annos)

Chapter 3. Administrative Procedure (Refs & Annos)

W.S.1977 § 16-3-103

§ 16-3-103. Adoption, amendment and repeal of rules; notice; hearing; emergency rules; proceedings to contest; review and approval by governor

Currentness

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

(i) Give at least forty-five (45) days notice of its intended action. Notice shall be mailed to all persons making timely requests of the agency for advanced notice of its rulemaking proceedings and to the attorney general, the secretary of state's office as registrar of rules, and the legislative service office if a state agency. The agency shall submit a copy of the proposed rules, in a format conforming to any requirements prescribed pursuant to subsection (f) of this section, with the notice given to the legislative service office. The notice shall include:

(A) The time when, the place where and the manner in which interested persons may present their views on the intended action;

(B) A statement of the terms and substance of the proposed rule or a description of the subjects and issues involved;

(C) If an amendment or a repeal, the citation to the agency rule to be amended or repealed;

(D) If new rules, a statement that they are new rules and a citation of the statute which authorizes adoption of the rules;

(E) The place where an interested person may obtain a copy of the proposed rules in a format conforming to any requirements prescribed pursuant to subsection (f) of this section;

(F) If the agency asserts that all or a portion of a rule is proposed to be adopted, amended or repealed in order for the state to comply with federal law or regulatory requirements:

(I) A statement that the adoption, amendment or repeal of the rule is required by federal law or regulation together with citations to the applicable federal law or regulation; and

(II) A statement whether the proposed rule change meets minimum federal requirements or whether the proposed rule change exceeds minimum federal requirements.

(G) A statement whether the proposed rule change meets minimum substantive state statutory requirements or whether the proposed rule change exceeds minimum substantive state statutory requirements. If the rule change exceeds minimum substantive state statutory requirements, the agency shall include a statement explaining the reason why the rule exceeds minimum substantive statutory requirements;

(H) A statement that the agency has complied with the requirements of W.S. 9-5-304 and the location where an interested person may obtain a copy of the assessment used to evaluate the proposed rule pursuant to W.S. 9-5-304.

(J) A concise statement of the principal reasons for adoption of the rule. In compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), the statement shall include a brief explanation of the substance or terms of the rule and the basis and purpose of the rule;

(K) If a state agency is proposing a rule that differs from the uniform rules listed in subsection (j) of this section, a statement of the reasons for varying from the uniform rules.

(ii) Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing, provided this period shall consist of at least forty-five (45) days from the later of the dates specified under subparagraph (A) of this paragraph, and provided:

(A) In the case of substantive rules, opportunity for oral hearing shall be granted if requested by twenty-five (25) persons, or by a governmental subdivision, or by an association having not less than twenty-five (25) members. No hearing under this subparagraph shall be conducted until at least forty-five (45) days after the later of:

(I) The date notice of intended action is given under paragraph (i) of this subsection; or

(II) The date notice is published if publication is required by subsection (e) of this section.

(B) The agency shall consider fully all written and oral submissions respecting the proposed 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 regulations; and

(II) Include with the final rules submitted for review to the governor and legislative service office a concise statement of the objection and the agency's response.

(D) Upon adoption of the rule, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for overruling the consideration urged against its adoption.

(iii) Comply with the requirements of W.S. 9-5-304.

(b) When an agency finds that an emergency requires the agency to proceed without notice or opportunity for hearing required by subsection (a) of this section, it may adopt emergency rules. An emergency rule is effective when filed. A state agency emergency rule shall bear the endorsement of the governor's concurrence on the finding of emergency before the registrar of rules accepts the rule for filing. The rule so adopted shall be effective for no longer than one hundred twenty (120) days but the adoption of an identical rule under W.S. 16-3-103(a) or of an emergency rule under this subsection is not precluded. In no case shall identical or substantially similar emergency rules be effective for a total period of more than two hundred forty (240) days. A local agency may proceed with the emergency rule when notice of the emergency is filed with the local registrar of rules.

(c) No rule is valid unless submitted, filed and adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within two (2) years from the effective date of the rule.

(d) No state agency rule or any amendment, repeal, modification or revision of the rule may be filed with the registrar of rules unless the rule has been submitted to the governor for review and the governor has approved and signed the rule. Except in the case of emergency rules and rules adopted by the game and fish commission fixing general hunting or fishing regulations, season or bag limits or establishing hunting areas, the governor shall not approve any rule until the date of receipt of the legislative management council's recommendation under W.S. 28-9-106(a) or until forty (40) days after the rule is filed with the legislative service office pursuant to W.S. 28-9-103(b), whichever is sooner. During the process of approving rules, the governor may disapprove any portion of a rule not conforming to paragraphs (d)(i), (ii) or (iii) of this section by clearly indicating the portion of the rule disapproved and the basis for the disapproval. Only those portions of a rule approved by the governor shall be filed with the registrar of rules as provided by W.S. 16-3-104(a). Any portion of a rule disapproved by the governor shall be returned to the agency and shall be null and void and shall not be filed, implemented or enforced. The governor shall report his disapproval of any rule or portion thereof to the management council within fifteen (15) days. The governor shall not approve any rule or any amendment, repeal, modification or revision of the rule unless it:

(i) Is within the scope of the statutory authority delegated to the adopting agency;

(ii) Appears to be within the scope of the legislative purpose of the statutory authority; and

(iii) Has been adopted in compliance with the procedural requirements of this act. For the purposes of this subsection, an "agency" means any authority, bureau, board, commission, department, division, officer or employee of the state, excluding the state legislature and the judiciary.

(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 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.

(f) The state registrar of rules shall prescribe a format for state agencies to follow in preparing proposed amendments to existing rules which shall ensure that additions to and deletions from existing language are clearly indicated.

(g) Upon receipt of a notice of intended action from a state agency under paragraph (a)(i) of this section, the secretary of state's office shall maintain a file of these notices and make them available for public inspection during regular business hours. A notice shall remain in the file until the rules are adopted or until the agency determines not to take action to adopt the proposed rules. To the extent that resources enable the office to do so, the secretary of state's office shall make these notices available to the public electronically. The secretary of state may promulgate rules specifying the format of notices submitted by state agencies under this subsection. Compliance with this subsection shall not affect the validity of rules promulgated by state agencies.

(h) An agency may incorporate, by reference in its rules and without publishing the incorporated matter in full, all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States or of this state, another state or by a nationally recognized organization or association, provided:

(i) The agency determines that incorporation of the full text in agency rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The reference in the rules of the incorporating agency fully identifies the incorporated matter by location, date and otherwise, and states that the rule does not include any later amendments or editions of the incorporated matter;

(iii) The agency, organization or association originally issuing the incorporated matter makes copies of it readily available to the public;

(iv) The incorporating agency maintains and makes available for public inspection a copy of the incorporated matter at cost from the agency and the rules of the incorporating agency state where the incorporated matter is available on the internet as defined in W.S. 9-2-1035(a)(iii); and

(v) The incorporating agency otherwise complies with all procedural requirements under this act and the rules of the registrar of state agency rules governing the promulgation and filing of agency rules.

(j) Each state agency shall adopt as much of the uniform rules promulgated pursuant to the following provisions as is consistent with the specific and distinct requirements of the agency and state or federal law governing or applicable to the agency:

(i) W.S. 16-3-102(d);

(ii) W.S. 16-4-204(e).

Credits

Laws 1965, ch. 108, § 3; Laws 1977, ch. 190, § 2; Laws 1982, ch. 16, § 1; Laws 1982, ch. 62, § 3; Laws 1985, ch. 57, § 1; Laws 1991, ch. 81, § 1; Laws 1995, ch. 84, § 1, eff. July 1, 1995; Laws 1995, ch. 168, § 1, eff. July 1, 1995; Laws 1997, ch. 62, § 1, eff. July 1, 1997; Laws 1997, ch. 85, § 1, eff. July 1, 1997; Laws 2001, ch. 175, § 1, eff. July 1, 2001; Laws 2003, ch. 139, § 1, eff. March 6, 2003; Laws 2004, ch. 75, § 1, eff. March 5, 2004; Laws 2006, ch. 114, § 1, eff. March 24, 2006; Laws 2007, ch. 215, § 1, eff. March 8, 2007; Laws 2013, ch. 161, § 1, eff. July 1, 2013; Laws 2014, ch. 109, § 1, eff. July 1, 2014; Laws 2015, ch. 131, § 1, eff. March 4, 2015.

Codifications: W.S. 1957, § 9-276.21; W.S. 1977, § 9-4-103.

W. S. 1977 § 16-3-103, WY ST § 16-3-103

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West's Wyoming Statutes Annotated

Title 16. City, County, State and Local Powers (Refs & Annos)

Chapter 3. Administrative Procedure (Refs & Annos)

W.S.1977 § 16-3-104

§ 16-3-104. Filing of copies of rules; permanent register; effective dates; manner of preparation; advice and assistance of attorney general

Currentness

(a) Each agency shall file in the office of the registrar of rules a certified copy of each rule adopted by it as approved by the governor. State agencies shall file each rule within seventy-five (75) days of the date of agency action adopting the rule or it is not effective. There shall be noted upon the rule a citation of the authority by which it or any part of it was adopted. The registrar of rules shall keep a permanent register of the rules open to public inspection. Not more than ten (10) days after a state agency files a copy of a rule in the office of the registrar of rules, the agency shall mail a notice that the rule has been filed to each person who was sent a notice under W.S. 16-3-103(a)(i). The notice shall contain a citation to the rule and the date it was filed. Failure to send the notice required under this subsection does not affect the effectiveness of the rule.

(b) Each rule and any amendment or repeal adopted after June 1, 1982 is effective after filing in accordance with subsection (a) of this section and W.S. 28-9-108 except:

(i) If a later date is required by statute or specified in the rule, the later date is the effective date;

(ii) Where the agency finds that an emergency exists and the finding is concurred in by the governor, a rule or amendment or repeal may be effective immediately upon filing with the registrar of rules and if a state agency, also with the legislative service office. Existing rules remain in effect unless amended or repealed, subject to this section or W.S. 28-9-105 or 28-9-106.

(c) Rules shall be prepared in the manner and form prescribed by the state registrar of rules. The registrar of rules may refuse to accept for filing any rule that does not conform to the prescribed form.

(d) The attorney general shall furnish advice and assistance to all state agencies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations.

Credits

Laws 1965, ch. 108, § 4; Laws 1977, ch. 190, § 2; Laws 1982, ch. 16, § 1; Laws 1982, ch. 62, § 3; Laws 1985, ch. 57, § 1; Laws 1997, ch. 85, § 1, eff. July 1, 1997; Laws 2003, ch. 139, § 1, eff. March 6, 2003; Laws 2004, ch. 75, § 1, eff. March 5, 2004.

Codifications: W.S. 1957, § 9-276.22; W.S. 1977, § 9-4-104.

W. S. 1977 § 16-3-104, WY ST § 16-3-104

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Title 16. City, County, State and Local Powers (Refs & Annos)
Chapter 3. Administrative Procedure (Refs & Annos)

W.S.1977 § 16-3-105

§ 16-3-105. Compilation and indexing of administrative code; charges for copies; authentication by registrar

Currentness

(a) The registrar of state agency rules shall compile, index and publish a Wyoming administrative code. The code shall:

(i) Contain each rule adopted by a state agency, but shall not contain emergency rules;

(ii) Be compiled, numbered and indexed in a unified manner that permits the code to be easily amended and affords ease of use and accessibility to the public, including strong and effective word search capabilities;

(iii) Be available to the public at no charge through the Internet;

(iv) Be updated on the Internet as soon as practicable after the effective date of newly filed or amended rules.

(b) The registrar of state agency rules may make a reasonable charge for any rules published except those furnished to state officers, agencies, members of the legislature or the legislative service office and others in the employment of the state and its political subdivisions requiring the rules in the performance of their duties. The registrar of local agency rules may make a reasonable charge for copies of any rule on file.

(c) The registrar's authenticated file stamp on a rule or publication of a rule shall raise a rebuttable presumption that the rule was adopted and filed in compliance with all requirements necessary to make it effective.

(d) The registrar of state agency rules shall maintain and publish a current index of all state agency rules filed with the registrar. The index shall list the effective date of each set of rules or the effective date of each set of amendments to an agency's rules. Copies of the index shall be distributed as provided by W.S. 16-3-105(b).

Credits

Laws 1965, ch. 108, § 5; Laws 1977, ch. 190, § 2; Laws 1982, ch. 16, § 1; Laws 1982, ch. 62, § 3; Laws 1983, ch. 17, § 1; Laws 2014, ch. 62, § 1, eff. July 1, 2014.

Codifications: W.S. 1957, § 9-276.23; W.S. 1977, § 9-4-105.

W. S. 1977 § 16-3-105, WY ST § 16-3-105

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West's Wyoming Statutes Annotated

Title 16. City, County, State and Local Powers (Refs & Annos)

Chapter 3. Administrative Procedure (Refs & Annos)

W.S.1977 § 16-3-106

§ 16-3-106. Petition for promulgation, amendment or repeal of rules

Currentness

Any interested person may petition an agency requesting the promulgation, amendment or repeal of any rule and may accompany his petition with relevant data, views and arguments. Each agency may prescribe by rule the form of the petition and the procedure for its submission, consideration and disposition. Upon submission of a petition, the agency as soon as practicable either shall deny the petition in writing (stating its reasons for the denials) or initiate rulemaking proceedings in accordance with W.S. 16-3-103. The action of the agency in denying a petition is final and not subject to review.

Credits

Laws 1965, ch. 108, § 6; Laws 1982, ch. 62, § 3.

Codifications: W.S. 1957, § 9-276.24; W.S. 1977, § 9-4-106.

W. S. 1977 § 16-3-106, WY ST § 16-3-106

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EXHIBIT C

West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-101

§ 6-5-101. Definitions

Currentness

(a) As used in this article:

(i) "Government" includes any branch, subdivision or agency of the state of Wyoming or any city, town, county, school district or special district within it;

(ii) "Governmental function" includes any activity which a public servant is legally authorized to undertake on behalf of a government;

(iii) "Harm" means loss, disadvantage or injury;

(iv) "Pecuniary benefit" is benefit in the form of property;

(A) to (C) Repealed by Laws 2015, ch. 82, § 2, eff. July 1, 2015.

(v) "Public officer" means a person who holds an office which is created or granted authority by the constitution or the legislature and who exercises a portion of the sovereign power of the state;

(vi) "Public servant" means any public officer, employee of government, or any person participating, as juror, witness, advisor, consultant or otherwise, in performing a governmental function;

Credits

Laws 1982, ch. 75, § 3; Laws 2015, ch. 82, § 1, 2, eff. July 1, 2015.

W. S. 1977 § 6-5-101, WY ST § 6-5-101
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West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-102

§ 6-5-102. Bribery; penalties

Currentness

(a) A person commits bribery, if:

(i) He offers, confers or agrees to confer any pecuniary benefit, testimonial, privilege or personal advantage upon a public servant as consideration for the public servant's vote, exercise of discretion or other action in his official capacity; or

(ii) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit, testimonial, privilege or personal advantage upon an agreement or understanding that his vote, exercise of discretion or other action as a public servant will thereby be influenced.

(b) Bribery is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1.

W. S. 1977 § 6-5-102, WY ST § 6-5-102

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West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-103

§ 6-5-103. Compensation for past official behavior; penalties

Currentness

(a) A person commits an offense if he solicits, accepts or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his statutory duties. For purposes of this section, "compensation" does not include mere acceptance of an offer of employment.

(b) Compensation for past official behavior is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1.

W. S. 1977 § 6-5-103, WY ST § 6-5-103
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West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-104

§ 6-5-104. Soliciting unlawful compensation; penalties

Currentness

(a) A public servant commits soliciting unlawful compensation if he solicits, accepts or agrees to accept a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.

(b) Soliciting unlawful compensation is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1.

W. S. 1977 § 6-5-104, WY ST § 6-5-104
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West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-105

§ 6-5-105. Unlawful designation of provider of services or goods; penalties; affirmative defense

Currentness

- (a) No public servant shall require or direct a bidder or contractor to deal with a particular person in procuring any goods or service required in submitting a bid to or fulfilling a contract with any government.
- (b) A provision in an invitation to bid or a contract document which violates this section is against public policy and voidable.
- (c) It is an affirmative defense that the defendant was a public servant acting within the scope of his authority exercising the right to reject any material, subcontractor, service, bond or contract tendered by a bidder or contractor because it did not meet bona fide specifications or requirements relating to quality, availability, experience or financial responsibility.
- (d) A violation of this section is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-105, WY ST § 6-5-105
Current through the 2015 General Session

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W.S.1977 § 6-5-106

§ 6-5-106. Conflict of interest; penalties; disclosure of interest and withdrawal from participation

Currentness

(a) Except as provided by subsection (b) of this section, a public servant commits an offense if he requests or receives any pecuniary benefit, other than lawful compensation, on any contract, or for the letting of any contract, or making any appointment where the government employing or subject to the discretion or decisions of the public servant is concerned.

(b) If any public servant discloses the nature and extent of his pecuniary interest to all parties concerned therewith and does not participate during the considerations and vote thereon and does not attempt to influence any of the parties and does not act for the governing body with respect to the contracts or appointments, then the acts are not unlawful under subsection (a) of this section. Subsection (a) of this section does not apply to the operation, administration, inspection or performance of banking and deposit contracts or relationships after the selection of a depository.

(c) Violation of subsection (a) of this section is a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000.00).

Credits

Laws 1982, ch. 75, § 3.

W. S. 1977 § 6-5-106, WY ST § 6-5-106
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W.S.1977 § 6-5-107

§ 6-5-107. Official misconduct; penalties

Currentness

(a) A public servant commits a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000.00), if, with intent to obtain a pecuniary benefit or maliciously to cause harm to another, he knowingly:

- (i) Commits an act relating to his official duties that the public servant does not have the authority to undertake;
- (ii) Refrains from performing a duty imposed upon him by law; or
- (iii) Violates any statute relating to his official duties.

(b) A public officer commits a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00) if he intentionally fails to perform a duty in the manner and within the time prescribed by law.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-107, WY ST § 6-5-107
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W.S.1977 § 6-5-108

§ 6-5-108. Issuing false certificate; penalties

Currentness

(a) A public servant commits a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if he makes and issues an official certificate or other official written instrument which he is authorized to make and issue containing a statement which he knows to be false with intent to obtain a benefit or maliciously to cause harm to another.

(b) A public servant commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if he makes and issues an official certificate or other official written instrument which he is authorized to make and issue containing a statement which he knows to be false.

Credits

Laws 1982, ch. 75, § 3.

W. S. 1977 § 6-5-108, WY ST § 6-5-108

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W.S.1977 § 6-5-110

§ 6-5-110. Wrongful appropriation of public property; penalties

Currentness

(a) A public servant who lawfully or unlawfully comes into possession of any property of any government and who, with intent temporarily to deprive the owner of its use and benefit, converts any of the public property to his own use or any use other than the public use authorized by law is guilty of wrongful appropriation of public property.

(b) Wrongful appropriation is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

(c) This section shall not apply to limited use of government property or resources for personal purposes if the use does not interfere with the performance of a governmental function and either the cost or value related to the use is de minimis or the public servant reimburses the government for the cost of the use.

Credits

Laws 1982, ch. 75, § 3; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-110, WY ST § 6-5-110
Current through the 2015 General Session

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W.S.1977 § 6-5-111

§ 6-5-111. Failure or refusal to account for, deliver or pay over property; penalties

Currentness

A public servant who fails or refuses to account for, deliver and pay over property received by virtue of the office, when legally required by the proper person or authority is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3.

W. S. 1977 § 6-5-111, WY ST § 6-5-111

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W.S.1977 § 6-5-113

§ 6-5-113. Removal from office after judgment of conviction

Currentness

A judgment of conviction rendered under W.S. 6-5-102 through 6-5-112 and 6-5-117 against any public servant, except state elected officials, supreme court justices, district court judges and circuit court judges, shall result in removal from office or discharge from employment.

Credits

Laws 1982, ch. 75, § 3; Laws 2000, ch. 24, § 4, eff. July 1, 2000.

W. S. 1977 § 6-5-113, WY ST § 6-5-113

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W.S.1977 § 6-5-118

§ 6-5-118. Conflict of interest; public investments; disclosure required; penalty; definitions

Currentness

(a) No public servant who invests public funds for a unit of government, or who has authority to decide how public funds are invested, shall transact any personal business with, receive any pecuniary benefit from or have any financial interest in any entity, other than a governmental entity, unless he has disclosed the benefit or interest in writing to the body of which he is a member or entity for which he is working. Disclosures shall be made annually in a public meeting and shall be made part of the record of proceedings. The public servant shall make the written disclosure prior to investing any public funds in any entity, other than a governmental entity, which:

(i) Provides any services related to investment of funds by that same unit of government; or

(ii) Has a financial interest in any security or other investment made by that unit of government.

(b) A violation of subsection (a) of this section is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(c) The definitions in W.S. 6-5-101 shall apply to this section except "pecuniary benefit" shall also include benefits in the form of services such as, but not limited to, transportation and lodging. As used in this section, "personal business" means any activity that is not a governmental function as defined in W.S. 6-5-101(a)(ii).

Credits

Laws 1997, ch. 3, § 1, eff. July 1, 1997; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-118, WY ST § 6-5-118

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W.S.1977 § 9-13-102

§ 9-13-102. Definitions

Currentness

(a) As used in this article:

(i) "Anything of value" means:

(A) A pecuniary item, including money or a bank bill or note;

(B) A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;

(C) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;

(D) A stock, bond, note or other investment interest in an entity;

(E) A right in action;

(F) A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;

(G) A work of art, antique or collectible;

(H) An automobile or other means of personal transportation;

(J) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;

(K) An honorarium or compensation for services arising out of the person's service as a public official, public member or public employee;

(M) The sale or trade of anything of value:

(I) For reasonable consideration that would ordinarily not be available to a member of the public; or

(II) With a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person's status as a public official, public member or public employee.

(N) A promise or offer of employment;

(O) Any other thing of value that is pecuniary or compensatory in value to a person.

(ii) "Anything of value" does not mean a campaign contribution properly received and reported, if reportable, as required under the Wyoming Election Code;

(iii) "Compensation" includes:

(A) An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or

(B) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, for services rendered or to be rendered.

(iv) "Compensation" does not include:

(A) Reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses, and if the reimbursement is substantiated by an itemization of expenses; or

(B) Per diem payments or mileage allowances paid by the employing government entity in accordance with applicable law.

(v) "Family member" means an individual:

(A) Who is the spouse, parent, sibling, child, grandparent or grandchild; or

(B) Is a member of the individual's household.

(vi) "Gift" means anything of value to the extent that consideration of equal or greater value is not received, but excludes the following:

(A) Printed informational, educational or promotional material;

(B) A gift that:

(I) Is not used; and

(II) No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes.

(C) A gift, devise or inheritance from any of the following, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph:

(I) An individual's spouse;

(II) An individual's child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin;

(III) The spouse of any individual listed in subdivision (II) of this subparagraph;

(IV) Any person, including an organization, which has a bona fide social or private business relationship with the individual, where the circumstances demonstrate that the motivation for the gift arises out of that relationship and not from the recipient's holding of public office or employment. For the purposes of this subdivision, relevant circumstances include but are not limited to the source of funds used by the donor to acquire the gift;

(V) Any person, including an organization, where the gift does result from the person's holding an office or position, but where the gift is of nominal value, is made voluntarily by the donor and is made in recognition of a special occasion, such as marriage, illness or retirement.

(D) A certificate, commemorative token or item, or plaque with a value that does not exceed two hundred fifty dollars (\$250.00);

(E) Food and beverage;

(F) Compensation, per diem or other payments or benefits which the public official, public member or public employee receives in the performance of services for the governmental entity;

(G) Repealed by Laws 1999, ch. 140, § 2.

(H) Any loan, gift, gratuity, special discount or hospitality with a value of two hundred fifty dollars (\$250.00) or less; or

(J) Travel, registration and lodging for any conference or meeting while attending in his official capacity as a public official, public member or public employee.

(vii) "Local office" means the offices of county commissioner, county treasurer, county assessor, county clerk, county sheriff, county coroner, district attorney, county attorney, mayor and member of the council of a municipality, member of the board of trustees of a community college district or a school district and member of a joint powers board or special district. As used in this paragraph "special district" means any special district specified under W.S. 22-29-103(a) and any other corporate district authorized to be formed as a political subdivision under the laws of this state;

(viii) "Negotiating" or "negotiate for employment" means a communication, directly or indirectly, with a prospective employer to discuss rendering services for compensation to that prospective employer;

(ix) "Negotiation for employment" means the period that begins with a communication to a prospective employer to discuss rendering services for compensation to the prospective employer;

(x) "Official responsibility or official capacity" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government action;

(xi) "Participation" includes decision, approval, disapproval or vote;

(xii) "Public employee" means any of the following state employees:

(A) The attorney general and the director of any department of the executive branch appointed by the governor under W.S. 9-2-1706, or the director of any legislative agency;

(B) The chief executive officer of any separate operating agency under W.S. 9-2-1704(d), except those listed in paragraphs (d)(vi) and (x) of that section;

(C) To the extent the incumbent in the position serves at the pleasure of persons listed in subparagraphs (A) and (B) of this section, administrators of department or agency divisions, and deputy directors of departments;

(D) Commissioners of the public service commission and members of the state board of equalization;

(E) Deputies and administrators of divisions within the offices of state elected officials under W.S. 9-2-1704(a). The positions, in the governor's office, of chief of staff, attorney for intergovernmental affairs and chief of policy are included within this subparagraph.

(xiii) "Public member" means a member appointed to a part-time position on a state board, commission or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services. The term includes a member of the board of trustees of the University of Wyoming and the community college commission. The term does not include a public member of an advisory board, advisory commission or advisory council;

(xiv) "Public official" means an individual elected to a state or local office, or an individual who is appointed to fill a vacancy in a state or local office, whether or not the individual has yet assumed the office;

(xv) "State entity" means a state agency, office, department, division, bureau, board, commission or council, including the legislature, Wyoming community development authority and Wyoming science, technology and energy authority. The term does not include a court or an agency in the judicial branch;

(xvi) "State office" means the state offices of governor, treasurer, superintendent of public instruction, auditor, secretary of state and member of the state legislature;

(xvii) "This act" means W.S. 9-13-101 through 9-13-109.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998; Laws 1999, ch. 140, §§ 1, 2, eff. Feb. 27, 1999; Laws 2005, ch. 122, § 1, eff. July 1, 2005.

W. S. 1977 § 9-13-102, WY ST § 9-13-102
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W.S.1977 § 9-13-103

§ 9-13-103. Use of title and prestige of public office

Currentness

(a) No public official, public member or public employee shall use his office or position for his private benefit.

(b) As used in this section, "private benefit" means the receipt by the public official, public member or public employee of a gift which resulted from his holding that office.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-103, WY ST § 9-13-103

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W.S.1977 § 9-13-104

§ 9-13-104. Nepotism

Currentness

(a) No public official, public member or public employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the state, a county, municipality or a school district. A public official, public member or public employee shall not supervise or manage a family member who is in an office or position of the state, a county, municipality or school district.

(b) A public official, public member or public employee, acting in his official capacity, shall not participate in his official responsibility or capacity regarding a matter relating to the employment or discipline of a family member.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-104, WY ST § 9-13-104

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W.S.1977 § 9-13-105

§ 9-13-105. Misuse of office

Currentness

(a) A public official, public member or public employee shall not use public funds, time, personnel, facilities or equipment for his private benefit or that of another unless the use is authorized by law.

(b) A public official, public member or public employee shall not use public funds, time, personnel, facilities or equipment for political or campaign activity unless the use is:

(i) Authorized by law; or

(ii) Properly incidental to another activity required or authorized by law and the public official, public employee or public member allocates and reimburses the governmental entity for any additional costs incurred for that portion of the activity not required or authorized by law.

(c) A public official, public employee or public member shall not disseminate to another person official information which the public official, public employee or public member obtains through or in connection with his position, unless the information is available to the general public or unless the dissemination is authorized by law.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-105, WY ST § 9-13-105

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W.S.1977 § 9-13-106

§ 9-13-106. Official decisions and votes

Currentness

(a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest:

(i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and

(ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

(b) A public official, public member or public employee described by subsection (a) of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's, public member's or public employee's abstention from voting must be recorded in the governmental entity's official records.

(c) This section shall not be construed to supersede W.S. 15-9-220, 16-6-118 or 16-9-203(f). Those provisions shall control to the extent inconsistent with this section.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-106, WY ST § 9-13-106

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W.S.1977 § 9-13-108

§ 9-13-108. Disclosure required

Currentness

(a) Not later than January 31 annually, each of the state's five (5) elected officials and each member of the Wyoming legislature shall file a financial disclosure form with the secretary of state. The form shall be signed by the elected official or legislator filing it and under a certification that it is accurate. The financial disclosure form shall contain the following information current as of January 15 of that year:

(i) A list of all offices, directorships and salaried employment held by the person filing the form in any business enterprise, but excluding offices and directorships in a nonprofit corporation where no compensation is received for service;

(ii) A list generally describing the sources of, but not the amount of, the member's income.

(b) Forms may be submitted by facsimile transmission under the same terms and conditions specified for campaign reports under W.S. 22-25-106. For the purposes of this section, "salaried employment" means an employment relationship under which the employee is compensated, at least in part, by payment of a specified dollar amount for each month, or longer period, of service.

(c) The disclosure form shall be as prescribed by the secretary of state but in substantially the following form:

"State Elected Official Financial Disclosure Form

Name of Official:

Office held:

Business address:

Business phone number:

Home address:

Home phone number:

I. Offices, directorships and employment

a. Offices held in business enterprises (includes partnerships)

Office

Name and address of business enterprise

b. Directorships held in business enterprises

Name and address of business enterprise

c. Salaried employment

Job Title

Name and address of business enterprise

II. Sources of income

a. Employment

Name and address of Employer

b. Business interests

Name and address of all business entities but excluding interests if less than ten percent (10%) of the entity is owned, or sole proprietorship from which income is earned, or describe generally

c. Investments

Income earned

Yes

No

i. Any security or interest earnings

—

—

ii. Real estate, leases, royalties

—

—

d. Other

(Describe generally)".

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-108, WY ST § 9-13-108

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W.S.1977 § 9-13-109

§ 9-13-109. Penalties

Currentness

- (a) Any person who violates this act is guilty of a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars (\$1,000.00).
- (b) Violation of any provision of this act constitutes sufficient cause for termination of a public employee's employment or for removal of a public official or public member from his office or position.
- (c) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-109, WY ST § 9-13-109
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