



WYOMING ADMINISTRATIVE PROCEDURE ACT

Wyoming Statute Annotated §§ 16-3-101 through
16-3-115

DEFINITIONS [16-3-101]

- “Agency”
- “Contested case”
- “License”
- “Licensing”
- “Local agency”
- “Party”
- “Person”
- “Registrar of rules”
- “Rule”
- “State agency”
- “General permit”

GENERAL RULEMAKING REQUIREMENTS; ASSISTANCE AND AUTHORITY OF ATTORNEY GENERAL [16-3-102]

- In addition to other rulemaking requirements imposed by law, each agency shall:
 - Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available in connection with contested cases
 - 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
 - Make available for public inspection all final orders, decisions and opinions
- The Attorney General may assist with rulemaking, and it is **HIGHLY** advised that agencies consult with the Attorney General as soon as they think they might want to do rulemaking

ADOPTION, AMENDMENT AND REPEAL OF RULES; NOTICE;
HEARING; EMERGENCY RULES; PROCEEDINGS TO CONTEST;
REVIEW AND APPROVAL BY GOVERNOR [16-3-103]

- Prior to an agency's adoption, amendment or repeal of all rules other than interpretative rules or statements of general policy, the agency shall give at least forty-five (45) days notice of its intended action, allowing for public review and comment
- The notice shall contain a number of required elements [see list at 16-3-103(a)(i)]
- An agency may adopt emergency rules, if exigency requires that rules be adopted without public review and comment

FILING OF COPIES OF RULES; PERMANENT REGISTER;
EFFECTIVE DATES; MANNER OF PREPARATION; ADVICE AND
ASSISTANCE OF ATTORNEY GENERAL [16-3-104]

- 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
- Conservation districts file their rules with the County Clerk
- 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

CONTESTED CASES

- Sections 16-3-107 through 16-3-112 concern “Contested Case” proceedings
- Contested cases are essentially “trials” but instead of being before a judge and jury, they are held in front of administrative agencies, such as the Board of Control or the Office of Administrative Hearings
- Evidence is presented, and a fact finder makes a decision after considering the law and weighing the evidence
- Rules of procedure and evidence apply, just as in a court trial, although rules are more “relaxed”
- In most cases and situations, parties may appear through counsel or pro se

JUDICIAL REVIEW [16-3-114 & 16-3-115]

- District courts (often) have the ability to review the actions and decisions of agencies and contested case proceedings
- An aggrieved party may obtain a review of any final judgment of the district court under this act by appeal to the Supreme Court
 - The appeal shall be taken as in other civil cases