

STATEMENT OF PRINCIPAL REASONS FOR ADOPTION OF RULES

Under W.S. 16-4-204(e), the Department of Administration and Information was required to adopt uniform rules for the use of state agencies establishing procedures, fees, costs, and charges for inspection, copies, and production of public records. Under W.S. 16-3-103(j)(ii), each state agency is required to adopt as much of uniform rules as is consistent with the specific and distinct requirements of the agency and state or federal law governing or applicable to the agency. Chapter 1 of the State Loan and Investment Board's rules is being amended to incorporate the uniform rules in their entirety.

The uniform rules set fees for production and costs related to electronic public records. The costs may include, but are not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public records as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services. Production and construction costs are: 1) \$15.50/hour for clerical staff time; 2) \$30.00/hour for information technology staff time; and 3) \$40.00/hour for professional staff time. Also, these rules create a minimum threshold that must be met prior to any costs being charged for electronic public records requests. If production and/or construction costs for an electronic public records request are less than or equal to \$180.00, the applicant will not be charged any costs for production and/or construction of the electronic public records. These rules also set fees relating to both electronic and non-electronic public records such as copying costs and transmitting fees.

In addition, Chapter 1 is being amended to add the definition of "Office" and make the definitions applicable to all chapters to reduce redundancy. Furthermore, the schedule for regular Board meetings are being modified from monthly to February, April, June, August, October and December to conform to the current practice of only meeting every other month.

**RULES AND REGULATIONS
STATE LOAN AND INVESTMENT BOARD**

Chapter 1

Rules of Practice and Procedure Before the Board

Section 1. Authority.

These rules are promulgated under the authority granted by W.S. 11-34-103(a) and W.S. 16-3-103(j)(ii).

Section 2. Definitions.

(a) For purposes of ~~this~~ all chapters, the following definitions apply:

(~~ai~~) “Board” means the State Loan and Investment Board.

(~~bii~~) “Board matter” means a proposed agency action presented to the Board for its approval, disapproval, or other disposition.

(~~eiii~~) “Chairman” means the presiding officer of a meeting of the Board.

(~~d~~iv) “Director” means the Director of the Office of State Lands and Investments.

(v) “Office” means the Office of State Lands and Investments.

Section 3. Meetings.

(a) The Board shall meet regularly on the first Thursday of each February, April, June, August, October, and December ~~month~~ and at the call of the President, to consider all matters under its jurisdiction. A regular meeting may be postponed or canceled by the President of the Board.

(b) The Board shall meet regularly on the third Thursday of each January and Junely to consider applications for Mineral Royalty Grants and Abandoned Mine Land Grants.

(c) Special meetings may be called by the President of the Board upon proper notice to the Director and the other members of the Board in compliance with W.S. 16-4-404 of the Public Meetings Act.

(d) The Governor shall be the President of the Board; or if the Governor is not in attendance, the Secretary of State; or if both the Governor and the Secretary of State are not in attendance, the State Auditor.

(e) Three members of the Board shall constitute a quorum. No board action shall be taken in the absence of a quorum.

Section 4. Agenda.

(a) The Director shall prepare the agenda for meetings of the Board, compile all board matters to be presented to the Board, and deliver the agenda and board matters to each member of the Board at least 5 days prior to the meeting.

(b) The Chairman may modify the sequence of the agenda at the meeting.

Section 5. Board Matters.

(a) The Director shall prepare a board matter, containing sufficient information to aid the Board's decision, for each agency action to be considered by the Board.

(b) Any member of the Board may instruct the Director to prepare and present a board matter to the Board for its consideration.

(c) All board matters shall contain a recommendation from the Director for Board action unless specifically stated for informational purposes or discussion only.

(d) Any person may request the Director to place an issue on the agenda for consideration by the Board by supplying the Director with all relevant information at least 10 days before the meeting. In the event the Director denies placement of an issue on the Board agenda, a copy of any written request shall be provided to the Board members at the time of the Director's decision.

(e) All Board Matters not stamped "confidential" shall be made available for public inspection at the time they are distributed to the Board members.

Section 6. Appearances before the Board.

(a) Any interested person may appear before the Board on a matter being considered by the Board.

(b) To preserve the orderly conduct of public business, the President may limit the time and nature of the appearance.

Section 7. Counsel for the Board.

(a) The Director shall request the Attorney General or his designated assistant to attend all meetings of the Board and act as the Board's legal advisor. The Director shall give a copy of all Board Matters to be considered to the Attorney General or his designated assistant at least five days before the meeting.

Section 8. Confidential Records.

(a) All applications for farm loans and water development loans shall be held confidential by the Board and its staff until the application is considered by the Board for approval or rejection. Upon approval of a loan, the application shall become a public record, as defined in W.S. 16-4-201.

Section 9. Forms.

(a) All forms used by the Office in regard to loans and investments administered by the Office which create a contractual relationship with the Board or an obligation in behalf of the Board and any substantive changes thereof shall be approved by the Board.

Section 10. Director Decisions.

(a) Any decision of the Director issued under authority statutorily granted to the Board, may be reviewed by the Board upon receipt of a written request received by the Office.

Section 11. Incorporation by Reference.

(a) The Board hereby incorporates by reference the following uniform rules:

(i) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <https://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a)(i) of this section; and

(iii) The incorporated rules are maintained at the Office and are available for public inspection and copying at the same location.